

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
**CHARGE AGAINST LABOR ORGANIZATION
OR ITS AGENTS**

DO NOT WRITE IN THIS SPACE	
Case 29-CB-129203	Date Filed 05/22/14

INSTRUCTIONS: File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT

a. Name United Federation of Sepcial Police and Security Officers, Local 500	b. Union Representative to contact (b) (6), (b) (7)(C) 914-941-4103
c. Address (Street, city, state and ZIP code) (b) (6), (b) (7)(C)	d. Tel. No. (b) (6), (b) (7)(C)
	e. Cell No.
	f. Fax No. 914-941-4432
	g. e-Mail

h. The above-named organization(s) or its agents has (have) engaged in and is (are) engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (list subsections) (1)(A) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Since on or about (b) (6), (b) (7)(C) 2014, the above-named labor organization has failed in its duty of fair represntation by refusing to process (b) (6), (b) (7)(C) grievance to arbitration regarding (b) (6), (b) (7)(C) discharge.

3. Name of Employer GEO Group	4a. Tel. No. 718-553-5420	b. Cell No.
	c. Fax No.	d. e-Mail
5. Location of plant involved (street, city, state and ZIP code) 182-22 150th Avenue Jamaica Queens 11413	6. Employer representative to contact William Zerillo	
7. Type of establishment (factory, mine, wholesaler, etc.) Security	8. Identify principal product or service Security services	9. Number of workers employed 100+
10. Full name of party filing charge (b) (6), (b) (7)(C)	11a. Tel. No. (b) (6), (b) (7)(C)	b. Cell No.
	c. Fax No.	d. e-Mail
11. Address of party filing charge (street, city, state and ZIP code.) (b) (6), (b) (7)(C)		

12. DECLARATION I declare that the statements therein are true to the best of my knowledge and belief. By (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (signature of representative or person making charge) (Print/type name and title or office, if any)		Tel. No. SAME
Address SAME (date)		Cell No.
		Fax No.
		e-Mail

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary, however, failure to supply the information will cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 29
TWO METRO TECH CENTER STE 5100
FL 5
BROOKLYN, NY 11201-3838

Agency Website: www.nlrb.gov
Telephone: (718)330-7713
Fax: (718)330-7579

July 9, 2014

(b) (6), (b) (7)(C)

Re: United Federal Special Police and Security
Officers, Local 500 (GEO Group)
Case 29-CB-129203

Dear (b) (6), (b) (7)(C)

We have carefully investigated and considered your charge that UNITED FEDERATION OF SPECIAL POLICE & SECURITY OFFICERS, INC. LOCAL 500, has violated the National Labor Relations Act.

Decision to Dismiss: Based on that investigation, I have decided to dismiss your charge because there is insufficient evidence to establish a violation of the Act.

Your Right to Appeal: You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals. If you appeal, you may use the enclosed Appeal Form, which is also available at www.nlrb.gov. However, you are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect.

Means of Filing: An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. Filing an appeal electronically is preferred but not required. The appeal MAY NOT be filed by fax or email. To file an appeal electronically, go to the Agency's website at www.nlrb.gov, click on **E-File Documents**, enter the **NLRB Case Number**, and follow the detailed instructions. To file an appeal by mail or delivery service, address the appeal to the **General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1099 14th Street, N.W., Washington D.C. 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

Appeal Due Date: The appeal is due on **July 23, 2014**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than July 22, 2014. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before July 23, 2014**. The request may be filed electronically through the *E-File Documents* link on our website www.nlr.gov, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after July 23, 2014, **even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

Confidentiality: We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,

/s/

JAMES G. PAULSEN
Regional Director

Enclosure

cc: (b) (6), (b) (7)(C)
UNITED FEDERATION OF SPECIAL
POLICE & SECURITY OFFICERS, INC.
LOCAL 500

(b) (6), (b) (7)(C)

CHRISTOPHER G. ROACH, Special
Assistant to the President
UFPSO, INC.
69 Colehamer Ave
Troy, NY 12180-7117

United Federal Special Police and Security - 3 - July 9, 2014
Officers, Local 500 (GEO Group)
Case 29-CB-129203

WILLIAM ZERILLO
GEO Group
18222 150th Ave
Jamaica, NY 11413-4009

UNITED STATES OF AMERICA		DO NOT WRITE IN THIS SPACE	
NATIONAL LABOR RELATIONS BOARD		Case	Date filed
CHARGE AGAINST LABOR ORGANIZATION OR ITS AGENTS		29-CB-199639	5/24/2017
INSTRUCTIONS: File an original of this charge with the NLRB Regional Director of the region in which the alleged unfair labor practice occurred or is occurring.			
1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT			
a. Name United Federation of Special Police and Security Officers, Inc.		b. Union Representative to Contact Hector Fajardo Vice President	
c. Address 540 North State Road, Briarcliff Manor, NY 10510		d. Tel. No. 914-941-4103	e. e. Cell No.
		f. Fax No. 914-941-4472	g. e-Mail
h. The above-named labor organization or its agents have engaged in and are engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (1)(A) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.			
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) Since about (b) (6), (b) (7)(C) 2017, the above-named labor organization has restrained and coerced employees in the exercise of rights protected by Section 7 of the Act by refusing to process the grievance of (b) (6), (b) (7)(C) regarding (b) (6), (b) (7)(C) indefinite suspension on or about (b) (6), (b) (7)(C) 2017 for arbitrary or discriminatory reasons or in bad faith.			
3. Name of Employer Garda CL Atlantic, Inc.		4a. Tel. No.	4b. Cell No.
		4c. Fax No.	4d. e-Mail
5. Location of Plant involved (street, city, state, and ZIP code) 526 45th Ave, Long Island City, NY 11101-7016		6. Employer representative to contact Lawrence K Pontrelli Manager, Employee and Labor Relations, Northeast Region	
7. Type of Establishment (factory, mine, wholesaler) Armored Car Terminal	8. Principal product or service Armored Car Services	9. Number of Workers employed 240	
10. Full name of party filing charge (b) (6), (b) (7)(C)		11a. Tel. No. (b) (6), (b) (7)(C)	11b. Cell No. (b) (6), (b) (7)(C)
		11c. Fax No.	11d. e-Mail (b) (6), (b) (7)(C)
11. Address of party filing charge (street, city, state, and ZIP code) (b) (6), (b) (7)(C)			
12. DECLARATION I declare that I have read the above charge and that the statements therein are true to the best of my knowledge and belief.			
By: (b) (6), (b) (7)(C)		Tel. No.	
(sig) (b) (6), (b) (7)(C)		(b) (6), (b) (7)(C)	
		Print/Type name and title or office, if any	
Address: (b) (6), (b) (7)(C)		Cell No. (b) (6), (b) (7)(C)	
		Fax No.	
		e-Mail (b) (6), (b) (7)(C)	
		05/24/17	

PRIVACY ACT STATEMENT

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(b) (6), (b) (7)(C)

NLRB-REGION 29
RECEIVED
2017 MAY 25 AM 10:49
BROOKLYN, NY 11201



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 29
Two Metro Tech Center
Suite 5100
Brooklyn, NY 11201-3838

Agency Website: www.nlr.gov
Telephone: (718)330-7713
Fax: (718)330-7579

July 20, 2017

Hector Fajardo, Vice President
United Federation of Special Police and Security Officers, Inc.
540 North State Road
Briarcliff Manor, NY 10510

Re: United Federation of Special Police and
Security Officers, Inc. (Garda CL Atlantic,
Inc.)
Case 29-CB-199639

Dear Mr. Fajardo:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

/s/

KATHY DREW-KING
Regional Director

cc:

(b) (6), (b) (7)(C)
[Redacted]

Lawrence K Pontrelli, Manager,
Employee and Labor Relations, Northeast
Region
Garda CL Atlantic, Inc.
526 45th Ave
Long Island City, NY 11101-7016

UNITED STATES OF AMERICA		DO NOT WRITE IN THIS SPACE	
NATIONAL LABOR RELATIONS BOARD		Case	Date filed
CHARGE AGAINST LABOR ORGANIZATION OR ITS AGENTS		29-CB-206747	9/22/2017
INSTRUCTIONS: File an original of this charge with the NLRB Regional Director of the region in which the alleged unfair labor practice occurred or is occurring			
1 LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT			
a Name Suffolk County Security Police Association BROOKHAVEN NAT'L LAB. POLICE		b Union Representative to Contact (b) (6), (b) (7)(C)	
c Address (b) (6), (b) (7)(C)		d Tel No (b) (6), (b) (7)(C)	e e Cell No
		f Fax No	g e-Mail
<p>11 The above-named labor organization or its agents have engaged in and are engaging in unfair labor practices within the meaning of section 8(b), subsection(s) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act</p> <p>2 Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)</p> <p style="text-align: center;">(SEE LETTER)</p> <p>Since about (b) (6), (b) (7)(C) 2017, the above-named labor organization has restrained and coerced employees in the exercise of rights protected by Section 7 of the Act by failing to arbitrate the grievance of (b) (6), (b) (7)(C) regarding the termination of (b) (6) employment from the below-named Employer for arbitrary or discriminatory reasons or in bad faith</p> <p style="text-align: center;"><u>LATE FILING GRIEVANCE TO ARBITRATION</u></p>			
3 Name of Employer Brookhaven Science Associates, LLC BROOKHAVEN BROOKHAVEN NAT'L LAB.		4a Tel No 631-344-8000	4b Cell No
		4c Fax No	4d e-Mail
5 Location of Plant involved (street, city, state, and ZIP code) 1) PO Box 5000, Upton, NY 11973-5000 2) Building 400B, Upton, NY 11976		6 Employer representative to contact DOON GIBBS LAB. DIRECTOR	
7 Type of Establishment (factory, mine, wholesaler) SCIENCE	8 Principal product or service		9 Number of Workers employed 4000
10 Full name of party filing charge (b) (6), (b) (7)(C)	11a Tel No (b) (6), (b) (7)(C)	11b Cell No (b) (6), (b) (7)(C)	
	11c Fax No	11d e-Mail (b) (6), (b) (7)(C)	
11 Address of party filing charge (street, city, state, and ZIP code) (b) (6), (b) (7)(C)			
12 DECLARATION			
I declare that I have read the above charge and that the statements therein are true to the best of my knowledge and belief			
By (b) (6), (b) (7)(C)			Tel No
(signature of representative or person making charge)	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	
	Print/type name and title or office, if any	Cell No	
Address (b) (6), (b) (7)(C)	Date 9-20-17	Fax No	
		e-Mail	

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

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(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

0/0/B

(b) (6), (b) (7)(C)

#2

(b) (6), (b) (7)(C)

17

LAST WORK DAY.

UNION-MANAGEMENT INTERPRETATION
OF COLLECTIVE BARGAINING AGREEMENT
(WRONGFUL SEPARATION)

(b) (6), (b) (7)(C)

17

MANAGEMENT DENIES STEP 3
GRIEVANCE PROCESS. UNION HAS
5 DAYS FROM (b) (6), (b) (7)(C) 17 TO FILE
GRIEVANCE FOR ARBITRATION.

(b) (6), (b) (7)(C)

17

UNION FILES GRIEVANCE FOR
ARBITRATION. ARBITRATOR DENIES
GRIEVANCE BECAUSE OF LATE FILING

(b) (6), (b) (7)(C)

17

I WAS NOTIFIED BY UNION
PRESIDENT THAT GRIEVANCE WAS DENIED.
SINCE THEN THE UNION HAS TRIED TO SET
UP A MEETING WITH MANAGEMENT TO
HAVE A MUTUAL AGREEMENT TO
CONTINUE THE PROCESS FOR ARBITRATION.

9-19-17

AS OF THIS DATE, NOTHING.

(b) (6), (b) (7)(C)

9-20-17



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 29
Two Metro Tech Center
Suite 5100
Brooklyn, NY 11201-3838

Agency Website: www.nlr.gov
Telephone: (718)330-7713
Fax: (718)330-7579

December 4, 2017

Daniel Doeschner, Esq.
Greenberb, Burzichelli, Greenberg P.C.
3000 Marcus Ave Ste 1W7
New Hyde Park, NY 11042-1027

Re: Brookhaven National Laboratory Police
(Brookhaven National Laboratory)
Case 29-CB-206747

Dear Mr. Doeschner:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,


KATHY DREW-KING
Regional Director

cc:

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Brookhaven National Laboratory Police
PO Box 5000
Building 50
Upton, NY 11973-5000



Brookhaven National Laboratory Police
(Brookhaven National Laboratory)
Case 29-CB-206747

- 2 -

December 1, 2017

Doon Gibbs, Lab Director
Brookhaven National Laboratory
PO Box 5000
Upton, NY 11973-5000

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

PETITION

DO NOT WRITE IN THIS SPACE

Case No.

29-RC-075513

Date Filed

2/29/2012

INSTRUCTIONS: Submit an original of this Petition to the NLRB Regional Office in the Region in which the employer concerned is located.

The Petitioner alleges that the following circumstances exist and requests that the NLRB proceed under its proper authority pursuant to Section 9 of the NLRA.

1. **PURPOSE OF THIS PETITION** (NOTE if the petition type listed below is RC, RM, or RD and a charge under Section 8(b)(7) of the Act has been filed involving the Employer named herein, the statement following the description of the type of petition shall not be deemed made.)

RC-CERTIFICATION OF REPRESENTATIVE - A substantial number of employees wish to be represented for purposes of collective bargaining by Petitioner and Petitioner desires to be certified as representative of the employees.

2. Name of Employer THE SEA GATE ASSOCIATION- SEAGATE POLICE DEPARTMENT	Employer Representative to contact TAMMY MALDONADO	Tel. No. (718)449-4700
---	--	----------------------------------

3. Address(es) of Establishment(s) involved (Street and number, city, State, ZIP code) 3700 SURF AVE, BROOKLYN, NY 11224-1227	Fax No. (718) 449-4713
---	----------------------------------

4a. Type of Establishment (Factory, mine, wholesaler, etc) Private Community Police Department	4b. Identify principal product or service Police Department	Cell No.	E-Mail
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5. Unit Involved (In UC petition, describe present bargaining unit and attach description of proposed clarification) All full-time and regular part-time police officers and detectives employed by The Sea Gate Association	6a. No. of Employees in Unit: Present 19 Proposed (By UC/AC)	6b. Is this petition supported by 30% or more of the employees in the unit? Y
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(If you have checked box RC in 1 above, check and complete EITHER item 7a or 7b, whichever is applicable)

7a. ☐ Request for recognition as Bargaining Representative was made on _____ and Employer declined recognition on or about _____ (If no reply received, so state).

7b. ☐ Petitioner is currently recognized as Bargaining Representative and desires certification under the Act.

8. Name of Recognized or Certified Bargaining Agent (if none, so state) Law Enforcement Employees Benevolent Association	Affiliation
Address 277 Main Street, Suite 1 Catskill, NY 12414	Tel No. (518) 943-5065 Date of Recognition or Certification May 1, 2009 Cell No. (518) 943-5063 Fax No. (518) 943-5063 e-Mail

9. Expiration Date of Current Contract, If any (Month, Day, Year) April 30, 2012	10. If you have checked box UD in 1 above, show here the date of execution of agreement granting union shop (Month, Day, and Year)
--	--

11a. Is there now a strike or picketing at the Employer's establishment(s) involved? N	11b. If so, approximately how many employees are participating? 0
---	---

11c. The Employer has been picketed by or on behalf of (Insert Name)
Since (Month, Day, Year)

12. Organizations or individuals other than Petitioner (and other than those named in items 8 and 11c), which have claimed recognition as representatives and other organizations and individuals known to have a representative interest in any employees in unit described in item 5 above. (If none, so state)

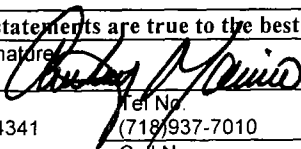
Name	Address	Tel No.	Fax No.
		Cell No.	E-Mail

13. Full name of party filing petition (If labor organization, give full name, including local name and number)
TEAMSTERS LOCAL UNION NO. 813, IBT

14a. Address (street and number, city, state and zip) 4518 COURT SQ, STE 600, LONG ISLAND CITY, NY 11101-4341	14b. Tel No. (718)937-7010 14d. Cell No. (347)675-6647	14c. Fax No. (718)937-7003 14e. e-Mail
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15. Full name of national or international labor organization of which Petitioner is an affiliate or constituent (to be filled in when petition is filed by a labor organization)
International Brotherhood of Teamsters

I declare that I have read the above petition and that the statements are true to the best of my knowledge and belief.

Name (Print) ANTHONY MARINO	Signature 	Title BA.
Address (street and number, city, state and zip) 4518 COURT SQ, STE 600, LONG ISLAND CITY, NY 11101-4341	Tel No. (718)937-7010 Cell No. (347)675-6647	Fax No. (718)937-7003 e-Mail

WILLFUL FALSE STATEMENTS ON THIS PETITION CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT: Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

1-540903681

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 29**

**THE SEA GATE ASSOCIATION- SEAGATE
POLICE DEPARTMENT**

Employer

and

TEAMSTERS LOCAL UNION NO. 813, IBT

Petitioner

and

**LAW ENFORCEMENT EMPLOYEES
BENEVOLENT ASSOC.**

Case 29-RC-075513

Union

and

**INTERNATIONAL UNION, SECURITTY, POLICE
AND FIRE PROFESSIONALS OF AMERICA (
SPFPA) AND ITS LOCAL 297**

Union

**ORDER APPROVING WITHDRAWAL REQUEST AND
WITHDRAWING NOTICE OF REPRESENTATION HEARING**

IT IS ORDERED that the Petitioner's request to withdraw the petition is approved.

IT IS FURTHER ORDERED that the Notice of Representation Hearing previously
issued in this matter is withdrawn.

Dated: March 15, 2012

JAMES PAULSEN
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS BOARD
REGION 29
TWO METRO TECH CENTER STE 5100
FL 5
BROOKLYN, NY 11201-3838

FORM NLRB-502

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
P E T I T I O N

DO NOT WRITE IN THIS SPACE	
Case No. 29-RC-075739	Date Filed 3/2/12

INSTRUCTIONS: Submit an original and 4 copies of this Petition to the NLRB Regional Office in the Region in which the employer concerned is located. If more space is required for any one item, attach additional sheets, numbering them accordingly.

The Petitioner alleges that the following circumstances exist and requests that the National Labor Relations Board proceed under its proper authority pursuant to Section 9 of the National Labor Relations Act.

1. **PURPOSE OF THIS PETITION** (If box RC, RM, or RD is checked and a charge under Section 8(b)(7) of the Act has been filed involving the employer named herein, the statement following the description of the type of petition shall not be deemed made.) (Check One)

☒ **RC-CERTIFICATION OF REPRESENTATIVE** - A substantial number of employees wish to be represented for purposes of collective bargaining by Petitioner and Petitioner desires to be certified as representative of the employees.

☐ **RM-REPRESENTATION (EMPLOYER PETITION)** - One or more individuals or labor organizations have presented a claim to Petitioner to be recognized as the representative of employees of Petitioner.

☐ **RD-DECERTIFICATION** - A substantial number of employees assert that the certified or currently recognized bargaining representative is no longer their representative.

☐ **UD-WITHDRAWAL OF UNION SHOP AUTHORITY** - Thirty percent (30%) or more of employees in a bargaining unit covered by an agreement between their employer and a labor organization desire that such authority be rescinded.

☐ **UC-UNIT CLARIFICATION** - A labor organization is currently recognized by Employer, but Petitioner seeks clarification of placement of certain employees: (Check one) ☐ In unit not previously certified. ☐ In unit previously certified in Case No.

☐ **AC-AMENDMENT OF CERTIFICATION** - Petitioner seeks amendment of certification issued in Case No. Attach statement describing the specific amendment sought.

2. Name of Employer The Sea Gate Association/Seagate Police Department	Employer Representative to contact Tammy Maldonado	Telephone No. & Fax No. Tel: 718.449.4700 Fax: 718.449.4713
--	--	---

3. Address(es) of Establishment(s) involved (Street and number, city, state, ZIP code)
3700 Surf Ave, Brooklyn, NY 11224-1227

4a. Type of Establishment (Factory, mine, wholesaler, etc.) Security Agency	4b. Identify principal product or service Security
---	--

5. Unit Involved (In UC petition, describe present bargaining unit and attach description of proposed clarification.)

Included: ALL FULL TIME AND/OR REGULAR PART TIME POLICE OFFICERS & DETECTIVES PERFORMING GUARD DUTIES AS DEFINED IN SECTION 9 (b)(3) OF THE NATIONAL LABOR RELATIONS ACT, AS AMENDED EMPLOYED BY SEA GATE ASSOCIATION/SEAGATE POLICE DEPARTMENT	6a. No. of Employees in Unit: Present 19
---	---

Excluded: ALL OFFICE CLERICAL EMPLOYEES, PROFESSIONAL EMPLOYEES, SUPERVISORS, AS DEFINED IN THE ACT, AS AMENDED, AND ALL OTHER EMPLOYEES	Proposed (By UC/AC)
--	---------------------

6b. Is this petition supported by 30% or more of the employees in the unit? **YES** (Not applicable in RM, UC and AC)

(If you have checked box RC in 1 above, check and complete EITHER item 7a or 7b, whichever is applicable)

7a. ☐ Request for recognition as Bargaining Representative was made on and Employer declined recognition on or about **(NONE MADE)**. If no reply received, so state).

7b. ☐ Petitioner is currently recognized as Bargaining Representative and desires certification under the Act.

8. Name of recognized or Certified Bargaining Agent (if none, so state) Law Enforcement Employees Benevolent Association	Affiliation
--	-------------

Address and Telephone No. & Fax No. Ava Ramey, Contact Person 277 Main Street, Ste 1, Catskill, NY 12414 Tel: 518.943.5065 F: 518.943.5063	Date of Recognition or Certification
--	--------------------------------------

9. Expiration Date of Current Contract, if any (Month, Day, Year) 4/30/12	10. If you have checked box UD in 1 above, show here the date of execution of agreement granting union shop (Month, Day, and Year)
---	--

11a. Is there now a strike or picketing at the Employer's establishment(s) involved? NO	11b. If so, approximately how many employees are participating?
--	---

11c. The Employer has been picketed by or on behalf of (Insert Name). Since (Month, Day, Year)

12. Organizations or individuals other than Petitioner (and other than those named in items 8 and 11c), which have claimed recognition as representatives and other organizations and individuals known to have a representative interest in any employees in unit described in item 5 above. (If none, so state) **NONE**

Name	Affiliation	Address	Date of Claim (Required only if Petition is filed by Employer)

I declare that I have read the above petition and that the statements are true to the best of my knowledge and belief.

Name of Petitioner and Affiliation, if any
International Union, Security, Police and Fire Professionals of America (SPFPA)
By

Steve Maritas
Director, Organizing
Signature of Representative or person filing petition

Address **25510 Kelly Road, Roseville, MI 48066**

Tel No. **586.772.7250** Fax: **586.772.9644**

WILLFUL FALSE STATEMENTS ON THIS PETITION CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 29**

**THE SEA GATE ASSOCIATION- SEAGATE
POLICE DEPARTMENT**

Employer

and

**INTERNATIONAL UNION, SECURITY,
POLICE AND FIRE PROFESSIONALS OF
AMERICA (SPFPA)**

Case 29-RC-075739

Petitioner

and

**LAW ENFORCEMENT EMPLOYEES
BENEVOLENT ASSOCIATION**

Union

ORDER DISMISSING PETITION

On March 2, 2012, International Union, Security, Police and Fire Professionals of America, herein called the Petitioner, filed a petition in the above-entitled matter seeking an election among certain employees employed by The Sea Gate Association - Seagate Police Department, herein called the Employer.

On March 5, 2012, a Notice of Representation Hearing issued scheduling a hearing for March 12, 2012.

On March 12, 2012, notwithstanding prior service of the Notice of Hearing referred to above, Petitioner failed to appear for said Hearing.

Inasmuch as the Petitioner failed to appear for the hearing and since no extraordinary circumstance exists justifying its failure to appear,

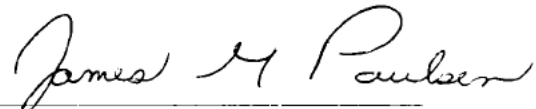
IT IS ORDERED that the petition in the instant matter is dismissed.

IT IS FURTHER ORDERED that any Orders scheduling a hearing in this matter are withdrawn and any hearings scheduled are canceled.

RIGHT TO REQUEST REVIEW

Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this decision may be filed with the National Labor Relations Board, addressed to the Executive Secretary, 1099 14th Street, N.W., Washington, D.C. 20570-0001. This request must be received by the Board in Washington by 5 p.m., EST on March 28, 2012. The request may be filed electronically through the Agency's website, www.nlrb.gov, but may not be filed by facsimile.

Dated: March 14, 2012.



James G. Paulsen
Regional Director, Region 29
National Labor Relations Board
Two Metro Tech Center, 5th Floor
Brooklyn, New York 11201

FORM NLRB-502

 UNITED STATES GOVERNMENT
 NATIONAL LABOR RELATIONS BOARD
PETITION**DO NOT WRITE IN THIS SPACE**

Case No.

Date Filed

29-RC-080127

5/2/12

INSTRUCTIONS: Submit an original and 4 copies of this Petition to the NLRB Regional Office in the Region in which the employer concerned is located. If more space is required for any one item, attach additional sheets, numbering them accordingly.

The Petition alleges that the following circumstances exist and requests that the National Labor Relations Board proceed under its proper authority pursuant to Section 9 of the National Labor Relations Act.

1. **PURPOSE OF THIS PETITION** (If box RC, RM, or RD is checked and a charge under Section 8(b)(7) of the Act has been filed involving the employer named herein, the statement following the description of the type of petition shall not be deemed made.) (Check One)

☒ **RC-CERTIFICATION OF REPRESENTATIVE** - A substantial number of employees wish to be represented for purposes of collective bargaining by Petitioner and Petitioner desires to be certified as representative of the employees.

☐ **RM-REPRESENTATION (EMPLOYER PETITION)** - One or more individuals or labor organizations have presented a claim to Petitioner to be recognized as the representative of employees of Petitioner.

☐ **RD-DECERTIFICATION** - A substantial number of employees assert that the certified or currently recognized bargaining representative is no longer their representative.

☐ **UD-WITHDRAWAL OF UNION SHOP AUTHORITY** - Thirty percent (30%) or more of employees in a bargaining unit covered by an agreement between their employer and a labor organization desire that such authority be rescinded.

☐ **UC-UNIT CLARIFICATION** - A labor organization is currently recognized by Employer, but Petitioner seeks clarification of placement of certain employees: (Check one) ☐ In unit not previously certified. ☐ In unit previously certified in Case No.

☐ **AC-AMENDMENT OF CERTIFICATION** - Petitioner seeks amendment of certification issued in Case No. _____ Attach statement describing the specific amendment sought.

2. Name of Employer The Sea Gate Association/Seagate Police Department	Employer Representative to contact Tammy Maldonado	Telephone No. & Fax No. Tel: 718.449.4700 Fax: 718.449.4713
--	--	---

3. Address(es) of Establishment(s) involved (Street and number, city, state, ZIP code)
3700 Surf Ave, Brooklyn, NY 11224-1227

4a. Type of Establishment (Factory, mine, wholesaler, etc.) Security Agency	4b. Identify principal product or service Security
---	--

5. Unit involved (In UC petition, describe present bargaining unit and attach description of proposed clarification.)	6a. No. of Employees in Unit:
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Included: ALL FULL TIME AND/OR REGULAR PART TIME POLICE OFFICERS & DETECTIVES PERFORMING GUARD DUTIES AS DEFINED IN SECTION 9 (b)(3) OF THE NATIONAL LABOR RELATIONS ACT, AS AMENDED EMPLOYED BY SEA GATE ASSOCIATION./SEAGATE POLICE DEPARTMENT	Present 19
--	----------------------

Excluded: ALL OFFICE CLERICAL EMPLOYEES, PROFESSIONAL EMPLOYEES, SUPERVISORS, AS DEFINED IN THE ACT, AS AMENDED, AND ALL OTHER EMPLOYEES	Proposed (By UC/AC)
--	---------------------

6b. Is this petition supported by 30% or more of the employees in the unit? YES (Not applicable in RM, UC and AC)
(If you have checked box RC in 1 above, check and complete EITHER item 7a or 7b, whichever is applicable)

7a. ☐ Request for recognition as Bargaining Representative was made on and Employer declined recognition on or about (NONE MADE) . If no reply received, so state).

7b. ☐ Petitioner is currently recognized as Bargaining Representative and desires certification under the Act.

8. Name of recognized or Certified Bargaining Agent (if none, so state) Law Enforcement Employees Benevolent Association	Affiliation
--	-------------

Address and Telephone No. & Fax No. Ava Ramey, Contact Person 277 Main Street, Ste 1, Catskill, NY 12414 Tel: 518.943.5065 F: 518.943.5063	Date of Recognition or Certification
--	--------------------------------------

9. Expiration Date of Current Contract, if any (Month, Day, Year) 4/30/12	10. If you have checked box UD in 1 above, show here the date of execution of agreement granting union shop (Month, Day, and Year)
---	--

11a. Is there now a strike or picketing at the Employer's establishment(s) involved? NO	11b. If so, approximately how many employees are participating?
--	---

11c. The Employer has been picketed by or on behalf of (Insert Name) . Since (Month, Day, Year)

12. Organizations or individuals other than Petitioner (and other than those named in items 8 and 11c), which have claimed recognition as representatives and other organizations and individuals known to have a representative interest in any employees in unit described in item 5 above. (If none, so state) **NONE**

Name	Affiliation	Address	Date of Claim (Required only if Petition is filed by Employer)

I declare that I have read the above petition and that the statements are true to the best of my knowledge and belief.

Name of Petitioner and Affiliation, if any

International Union, Security, Police and Fire Professionals of America (SPFPA)

By)

Steve Maritas

Director, Organizing

Signature of Representative or person filing petition

Address **25510 Kelly Road, Roseville, MI 48066**

Tel No. 586.772.7250 Fax: 586.772.9644

WILLFUL FALSE STATEMENTS ON THIS PETITION CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)



UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 29



THE SEA GATE ASSOCIATION/SEAGATE POLICE
DEPARTMENT

Employee

and

INTERNATIONAL UNION, SECURITY POLICE AND FIRE
PROFESSIONALS OF AMERICA (SPFPA)

Petitioner

and

LAW ENFORCEMENT EMPLOYEES BENEVOLENT
ASSOCIATION

Union

CASE NO. 29-RC-080127

NOTICE OF REPRESENTATION HEARING

The Petitioner filed the attached petition pursuant to Section 9(c) of the National Labor Relations Act. It appears that a question affecting commerce exists as to whether the employees in the unit described in the petition wish to be represented by a collective-bargaining representative as defined in Section 9(a) of the Act.

YOU ARE HEREBY NOTIFIED that, pursuant to Sections 3(b) and 9(c) of the Act, at 9:30 am on **May 9, 2012** and on consecutive days thereafter until concluded, at the National Labor Relations Board offices located at , 2 METROTECH CTR, STE 5100, BROOKLYN, NY 11201-3838, a hearing will be conducted before a hearing officer of the National Labor Relations Board. At the hearing, the parties will have the right to appear in person or otherwise, and give testimony. Form NLRB-4669, *Statement of Standard Procedures in Formal Hearings Held Before The National Labor Relations Board Pursuant to Petitions Filed Under Section 9 of The National Labor Relations Act*, is attached.

Dated: May 2, 2012

James G. Paulsen

James G. Paulsen, Regional Director
National Labor Relations Board
Region 29
TWO METRO TECH CENTER STE 5100
FL 5
BROOKLYN, NY 11201-3838

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 29**

THE SEA GATE ASSOCIATION, INC.

Employer

and

**INTERNATIONAL UNION, SECURITY, POLICE
AND FIRE PROFESSIONALS OF AMERICA**

Petitioner

Case 29-RC-080127

and

**LAW ENFORCEMENT EMPLOYEES
BENEVOLENT ASSOCIATION**

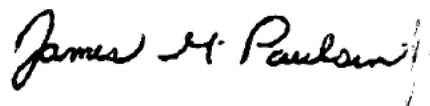
Union

**ORDER APPROVING WITHDRAWAL REQUEST AND
WITHDRAWING NOTICE OF REPRESENTATION HEARING**

IT IS ORDERED that the Petitioner's request to withdraw the petition is approved

IT IS FURTHER ORDERED that the Notice of Representation Hearing and all other
previously issued orders in this matter are withdrawn.

Dated May 9, 2012



James G Paulsen
Regional Director
National Labor Relations Board
Region 29
Two Metro Tech Center, 5th Floor
Brooklyn, NY 11201-3838

FORM NLRB-502

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
PETITION

DO NOT WRITE IN THIS SPACE

Case No.

Date Filed

29-RC-080589

5/9/12

INSTRUCTIONS: Submit an original and 4 copies of this Petition to the NLRB Regional Office in the Region in which the employer concerned is located. If more space is required for any one item, attach additional sheets, numbering item accordingly.

The Petition alleges that the following circumstances exist and requests that the National Labor Relations Board proceed under its proper authority pursuant to Section 9 of the National Labor Relations Act.

1. PURPOSE OF THIS PETITION (If box RC, RM, or RD is checked and a charge under Section 8(b)(7) of the Act has been filed involving the employer named herein, the statement following the description of the type of petition shall not be deemed made.) (Check One)

☒ RC-CERTIFICATION OF REPRESENTATIVE - A substantial number of employees wish to be represented for purposes of collective bargaining by Petitioner and Petitioner desires to be certified as representative of the employees.

☐ RM-REPRESENTATION (EMPLOYER PETITION) - One or more individuals or labor organizations have presented a claim to Petitioner to be recognized as the representative of employees of Petitioner.

☐ RD-DECERTIFICATION - A substantial number of employees assert that the certified or currently recognized bargaining representative is no longer their representative.

☐ UD-WITHDRAWAL OF UNION SHOP AUTHORITY - Thirty percent (30%) or more of employees in a bargaining unit covered by an agreement between their employer and a labor organization desire that such authority be rescinded.

☐ UC-UNIT CLARIFICATION - A labor organization is currently recognized by Employer, but Petitioner seeks clarification of placement of certain employees: (Check one) ☐ In unit not previously certified. ☐ In unit previously certified in Case No.

☐ AC-AMENDMENT OF CERTIFICATION - Petitioner seeks amendment of certification issued in Case No. _____ Attach statement describing the specific amendment sought.

2. Name of Employer

The Sea Gate Association/Seagate Police Department

Employer Representative to contact

Tammy Maldonado

Telephone No. & Fax No.

Tel: 718.449.4700

Fax: 718.449.4713

3. Address(es) of Establishment(s) Involved (Street and number, city, state, ZIP code)

3700 Surf Ave, Brooklyn, NY 11224-1227

4a. Type of Establishment (Factory, mine, wholesaler, etc.)

Security Agency

4b. Identify principal product or service

Security

5. Unit Involved (In UC petition, describe present bargaining unit and attach description of proposed clarification.)

Included: ALL FULL TIME AND/OR REGULAR PART TIME POLICE OFFICERS & DETECTIVES PERFORMING GUARD DUTIES AS DEFINED IN SECTION 9 (b)(3) OF THE NATIONAL LABOR RELATIONS ACT, AS AMENDED EMPLOYED BY THE SEA GATE ASSOCIATION/SEAGATE POLICE DEPARTMENT

Excluded: ALL OFFICE CLERICAL EMPLOYEES, PROFESSIONAL EMPLOYEES, SUPERVISORS, AS DEFINED IN THE ACT, AS AMENDED, AND ALL OTHER EMPLOYEES

6a. No. of Employees in Unit:

Present

19

Proposed (By UC/AC)

6b. Is this petition supported by 30% or more of the employees in the unit? YES (Not applicable in RM, UC and AC)

(If you have checked box RC in 1 above, check and complete EITHER item 7a or 7b, whichever is applicable)

7a. ☐ Request for recognition as Bargaining Representative was made on _____ and Employer declined recognition on or about (NONE MADE). If no reply received, so state)7b. ☐ Petitioner is currently recognized as Bargaining Representative and desires certification under the Act.

8. Name of recognized or Certified Bargaining Agent (if none, so state)

Law Enforcement Employees Benevolent Association

Affiliation

Address and Telephone No. & Fax No. Ava Ramey, Contact Person

277 Main Street, Ste 1, Catskill, NY 12414 Tel: 518.943.5065 F: 518.943.5063

Date of Recognition or Certification

9. Expiration Date of Current Contract, If any (Month, Day, Year)

4/30/12

10. If you have checked box UD in 1 above, show here the date of execution of agreement granting union shop (Month, Day, and Year)

11a. Is there now a strike or picketing at the Employer's establishment(s) involved? NO

11b. If so, approximately how many employees are participating?

11c. The Employer has been picketed by or on behalf of (Insert Name). Since (Month, Day, Year)

12. Organizations or individuals other than Petitioner (and other than those named in Items 8 and 11c), which have claimed recognition as representatives and other organizations and individuals known to have a representative interest in any employees in unit described in Item 5 above. (If none, so state) NONE

Name	Affiliation	Address	Date of Claim (Required only if Petition is filed by Employer)

I declare that I have read the above petition and that the statements are true to the best of my knowledge and belief.

Name of Petitioner and Affiliation, if any

International Union, Security, Police and Fire Professionals of America (SPFPA)

By)

Steve Maritas

Director, Organizing

Signature of Representative or person filing petition

Address 25510 Kelly Road, Roseville, MI 48066

Tel No. 586.772.7250 Fax: 586.772.9644

WILLFUL FALSE STATEMENTS ON THIS PETITION CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)



UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 29



THE SEA GATE ASSOCIATION/SEAGATE POLICE
DEPARTMENT

Employee

and

INTERNATIONAL UNION, SECURITY, POLICE AND FIRE
PROFESSIONALS OF AMERICA (SPFPA)

Petitioner

and

LAW ENFORCEMENT EMPLOYEES BENEVOLENT
ASSOCIATION

Union

CASE NO. **29-RC-080589**

NOTICE OF REPRESENTATION HEARING

The Petitioner filed the attached petition pursuant to Section 9(c) of the National Labor Relations Act. It appears that a question affecting commerce exists as to whether the employees in the unit described in the petition wish to be represented by a collective-bargaining representative as defined in Section 9(a) of the Act.

YOU ARE HEREBY NOTIFIED that, pursuant to Sections 3(b) and 9(c) of the Act, at 9:30 am on **May 16, 2012** and on consecutive days thereafter until concluded, at the National Labor Relations Board offices located at , 2 METROTECH CTR, STE 5100, BROOKLYN, NY 11201-3838, a hearing will be conducted before a hearing officer of the National Labor Relations Board. At the hearing, the parties will have the right to appear in person or otherwise, and give testimony. Form NLRB-4669, *Statement of Standard Procedures in Formal Hearings Held Before The National Labor Relations Board Pursuant to Petitions Filed Under Section 9 of The National Labor Relations Act*, is attached.

Dated: May 9, 2012

James G. Paulsen

James G. Paulsen, Regional Director
National Labor Relations Board
Region 29
TWO METRO TECH CENTER STE 5100
FL 5
BROOKLYN, NY 11201-3838

**UNITED STATES GOVERNMENT
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 29**

THE SEA GATE ASSOCIATION
Employer¹

and

INTERNATIONAL UNION, SECURITY,
POLICE AND FIRE PROFESSIONALS OF AMERICA
Petitioner

Case No. 29-RC-080589

and

LAW ENFORCEMENT EMPLOYEES
BENEVOLENT ASSOCIATION
Intervenor²

DECISION AND DIRECTION OF ELECTION

The Sea Gate Association (“Sea Gate” or “the Employer”) operates a gated residential community in Brooklyn, New York and, among other things, provides security services there. A unit of police officers employed by the Employer has been represented for collective bargaining purposes by the Law Enforcement Employees’ Benevolent Association (“LEEBA” or “the Intervenor”) since approximately 2008. On May 9, 2012, the International Union, Security, Police and Fire Professionals of America (“SPFPA” or

¹ The Employer’s name appears as amended at the hearing.

² Although no formal motion to intervene was made or granted at the hearing, the participation of the Law Enforcement Employees Benevolent Association (“LEEBA”) in the instant case is based on its status as the incumbent union representing the petitioned-for employees, and based on its recent collective bargaining agreement covering those employees. LEEBA is hereby granted status as the Intervenor.

“the Petitioner”) filed a petition under Section 9(c) of the National Labor Relations Act (“the Act”), seeking to represent the same unit of police officers.

Section 9(b)(3) of the Act contains various provisions regarding the representation of guards. First, it defines guards as those who “enforce against employees and other persons rules to protect property of the employer or to protect the safety of persons on the employer’s premises.” Second, it provides that guards must have their own separate bargaining unit, excluding other employees who are not guards. And finally, Section 9(b)(3) provides that the National Labor Relations Board (“the Board”) may certify only a so-called guard union to represent guards. Specifically, the latter provision states that the Board may not certify a labor organization to represent a bargaining unit of guards “if such organization admits to membership, or is affiliated directly or indirectly with an organization which admits to membership, employees other than guards.”

In the instant case, there is no dispute (1) that LEEBA and SPFPA are both labor organizations, as defined in Section 2(5) of the Act; (2) that the petitioned-for bargaining unit of police officers employed by Sea Gate is an appropriate, guards-only unit; and (3) that LEEBA is qualified under Section 9(b)(3) to represent guards inasmuch as it admits only guards to membership. However, LEEBA contends that SPFPA admits certain nonguard employees to membership, and therefore is not qualified to represent guards under Section 9(b)(3).

A hearing on this issue was held before Nicholas Heisick, a Hearing Officer of the Board. As described in more detail below, the Hearing Officer allowed LEEBA to make an offer of proof in support of its position regarding the Petitioner’s status under 9(b)(3). The Hearing Officer also called SPFPA’s organizing director, Steve Maritas, to testify,

and allowed LEEBA to question the witness. Finally, LEEBA received some records from SPFPA pursuant to a subpoena. However, the Hearing Officer quashed the remaining portions of LEEBA's subpoena (calling it a "fishing expedition"), and closed the hearing. After the hearing, LEEBA also filed a motion to reopen the record, claiming that newly discovered evidence regarding the Petitioner's status had become available. The Region has not yet ruled on the motion.

Pursuant to Section 3(b) of the Act, the Board has delegated authority in this proceeding to the undersigned Acting Regional Director.

For the reasons discussed below, I conclude that LEEBA has failed to proffer a sufficient basis for believing that the Petitioner admits nonguards to membership, so as to disqualify it from representing guards under Section 9(b)(3). I specifically affirm the Hearing Officer's rulings to quash LEEBA's subpoena and to close the record, and I deny LEEBA's motion to reopen the record. I will therefore direct an election in the petitioned-for unit, with both unions on the ballot.

The Hearing, including the Offer of Proof and Subpoena Issues

In its written offer of proof (Board Exhibit 3), LEEBA made four assertions. First LEEBA argued that the reference to "fire professionals" in the Petitioner's name and constitution may indicate that the Petitioner admits nonguards to membership. At the hearing, LEEBA's representative acknowledged that the Board has found some firefighters to be guards as defined in the Act,³ but did not proffer any specific basis for believing that any "fire professionals" in the Petitioner's membership would be deemed

³ See, e.g., Reynolds Metals Co., 198 NLRB 120 (1972); and MGM Grand Hotel, 274 NLRB 139 (1985). Cf. BPS Guard Services, Inc., d/b/a Burns International Security Services, 300 NLRB 298 (1990).

nonguards.

Second, LEEBA argued that certain communications officers represented by the Petitioner at Princeton University in New Jersey are not guards because they “do not perform patrol functions but remain at a fixed point in the public safety building and take calls for service and dispatch patrol officers.” The current contract between Princeton University and the Petitioner (Board Exhibit 6) describes the bargaining unit as follows:

[A]ll full-time and regular part-time Traffic and Parking Control Officers, Campus Access Officers, Patrol Officers, and Communications Officers employed by the University in its Department of Public Safety, Museum Security Officers employed in the Art Museum, and Library Security Officers employed in the Firestone Library, as certified in NLRB Case No. 22-RC-10772, but excluding all office clerical employees, managerial employees, security officers from and above the rank of sergeant, the Security Supervisor at the Art Museum, the Security Supervisors at the Firestone Library, casuals, all other supervisors as defined in the Act and all other employees.

LEEBA did not proffer any specific evidence regarding the communications officers’ duties, but simply asserted “upon information and belief” that those officers do not perform patrol duties.

Similarly, LEEBA argued that “transportation services representatives” represented by the Petitioner at Cornell University in New York are not guards because their duties include only “manning visitor information booths on campus, servicing campus parking facilities, collecting parking fines and issuing parking tickets.” Board Exhibit 4, a Certification of Representative issued by Region 3 of the Board in 2002 (Case No. 3-RC-11447, pursuant to a stipulated election agreement) describes the certified bargaining unit as follows:

All full-time and regular part-time transportation service representatives performing guard duties as defined in Section 9(b)(3) of the Act, as amended, employed by Cornell University in its Transportation and Mail Services

Department in Ithaca, NY, but excluding all employees currently represented by a labor organization, all office clerical employees, professional employees, supervisors as defined in the Act, and all other employees.

The current contract between Cornell and the Petitioner (Board Exhibit 5) contains similar language, and expressly refers to the unit as certified in Case No. 3-RC-11447. SPFPA's witness, Steve Maritas, testified that he did not know the specific duties of the transportation service representatives at Cornell. No other specific evidence was submitted or proffered on that issue. When the Hearing Officer asked LEEBA for any specific evidence that the transportation service representatives at Cornell do not perform guard duties, LEEBA's representative stated that it needed the documents it had subpoenaed from the Petitioner because "we have no proof, other than the paperwork."

Fourth, LEEBA's offer of proof asserted that SPFPA has merged with some other (unspecified) unions in the past few years and has accepted their members. LEEBA stated that it had subpoenaed the Petitioner's membership lists and other documents "to better support its contention that SPFPA is a mixed unit." LEEBA did not submit or proffer any specific reason for believing that any members which SPFPA obtained by merging with other unions would not qualify as guards.

As noted above, LEEBA received some records from SPFPA pursuant to its subpoena, but not all. At the hearing, SPFPA moved to quash the remaining portions of the subpoena. The Hearing Officer, calling LEEBA's subpoena a "fishing expedition," quashed the remaining portions of the subpoena and closed the hearing.

Discussion

In enacting Section 9(b)(3) of the Act, Congress sought to protect the rights of guards to organize, while avoiding a potential conflict of interest between guards and

nonguard employees (e.g., production employees in a plant) in the event of a strike. Thus, guards have the same statutory right to choose union representation as other employees, but they can be certified only in a separate bargaining unit, represented by a separate union admitting only guards to membership and unaffiliated with any nonguard unions. If there is "definitive evidence" that an alleged guard union admits nonguards (such as production employees) to membership, that union cannot be certified to represent a unit of guards. Burns International Security Services, Inc., 278 NLRB 565, 568 (1986)("Burns"). However, it is inevitable that some "borderline" or "close call" classifications will occasionally arise, who appear to perform some guard-related duties, which may or may not establish them as guards under the Board's interpretation of Section 9(b)(3). As the Board stated in Burns:

Whether employees are guards may not have been litigated because of inadvertence or the stipulation of the parties. Further, duties change over time and because of new technologies. Thus, to apply Section 9(b)(3) in a strictly literal sense would require us to find that ... [a guard union] is not certifiable because it admits "close call" nonguards to membership. This is contrary to the clear intent of Congress. It would either effectively prohibit large national unions for guards, or would require guard unions to so strictly police their membership to exclude employees whose status presents close factual issues that numerous statutory guards would be precluded from exercising the right to representation under the Act.

Id. at 569. In Burns, the Board rejected the employer's attempt to show that employees represented by the guard union (including alarm station operators, location leaders, mail couriers, dispatchers and other categories) were not guards. The Board found that these employees performed at least "some guard-like duties" and were "borderline cases." Id. at 567. Under those circumstances, the Board declined to find the union noncertifiable under Section 9(b)(3). *See also* Children's Hospital of Michigan, Henry Ford Health

System, et al., 317 NLRB 580 (1995), *enfd sub nom. Henry Ford Health System v. NLRB*, 105 F.3d 1139, (6th Cir. 1997)(absent "definitive" evidence of nonguard status, parties not allowed to establish noncertifiability by collateral litigation of the guard status of another employer's employees); and Rapid Armored Corp., 323 NLRB 709 (1997).

Furthermore, Section 102.66(c) of the Board's Rules and Regulations allows a hearing officer to revoke a subpoena if the evidence being sought "does not relate to any matter under investigation or in question in the proceedings ... or if for any other reason sufficient in law the subpoena is otherwise invalid." Generally, a party's right to subpoena attaches only after the Board has determined that substantial and material factual issues exist to warrant a hearing. Park Chevrolet-Geo, Inc., 308 NLRB 1010 (1992). It is also well established that a party seeking a subpoena cannot use it as a "fishing expedition" to explore any and all possible contentions but, rather, must furnish some facts (direct or inferential) upon which to base a reasonable belief of a specific contention in question. Morrison Turning Co., Inc., 83 NLRB 687, 689 (1949); Modern Upholstered Chair Co., Inc., 84 NLRB 95, n.2 (1949). In the Burns case cited *supra*, the Board upheld the hearing officer's decision to quash a subpoena where the employer asserted no facts or even inferences to support its claims that the union admitted nonguards to membership and/or was affiliated with a nonguard union. 278 NLRB at 566. Thus, a party's right to subpoena records from a labor organization does not attach for wholly speculative claims, unsupported by any facts or even inferences, regarding the labor organization's status.

In the instant case, I find that LEEBA failed to proffer a sufficient basis for litigating the Petitioner's certifiability under Section 9(b)(3) of the Act. None of the four

points in LEEBA's offer of proof contained the type of definitive evidence required to allow such litigation under Burns, *supra*. Specifically, the mere fact that the words "fire professionals" appear in SPFPA's name and constitution does nothing to prove that SPFPA admits nonguard firefighters to membership. LEEBA proffered no probative evidence that SPFPA admits to membership any "fire professionals" whose specific duties would render them nonguards under such cases as Reynolds, MGM and Burns cited in footnote 3, *supra*. Similarly, LEEBA's contentions regarding SPFPA's members employed as communications officers (along with other officers in Princeton's public safety department) or transportation services representatives (in the certified unit at Cornell) are wholly speculative. When questioned about the basis for these contentions, LEEBA's representative conceded that LEEBA needed to subpoena documents because it had "no proof." Finally, LEEBA's contention that SPFPA acquired nonguard members when it merged with other unspecified unions was not supported by fact or even inference. In short, I find that LEEBA's offer of proof lacked the definitive basis, as required by the Board in Burns, for allowing LEEBA to litigate SPFPA's certifiability as a guard union under Section 9(b)(3). For the same reasons, I find that LEEBA failed to provide a basis for any reasonable belief of SPFPA's alleged admission of nonguard members, so as to mandate SPFPA's production of additional documents under LEEBA's subpoena. Burns, *supra*, 278 NLRB at 566.

Based on the foregoing, I hereby affirm the Hearing Officer's rulings, both to quash the remaining portions of LEEBA's subpoena and to close the hearing without further litigation.

LEEBA's Post-Hearing Motion to Reopen the Record

One week after the hearing closed, on the day that briefs were due, LEEBA filed a motion to reopen the record, claiming that newly discovered evidence regarding the Petitioner's status had become available. In order to explain LEEBA's claim, prior cases involving this Employer must first be noted as background. Administrative notice is therefore taken of the cases below.

LEEBA became the certified representative of the guards employed by Sea Gate in 2008 in Case No. 29-RD-1096. There is no dispute that the collective bargaining agreement which LEEBA subsequently negotiated with Sea Gate was scheduled to expire on April 30, 2012, but that the parties had not reached a new agreement by the time of the contract's expiration.

In the meantime, about two months before the contract expiration date, Local 813 of the International Brotherhood of Teamsters ("Teamsters Local 813") filed a petition to represent the Sea Gate guards on February 29, 2012,⁴ in Case No. 29-RC-075513. Two days later, on March 3, SPFPA filed a petition to represent the same unit in Case No. 29-RC-075739. Both representation cases were scheduled for hearing on March 12. SPFPA failed to appear for the hearing that day, and its petition was dismissed. Teamsters Local 813 (which is obviously not a guards' union) withdrew its petition in Case No. 29-RC-075513. However, according to LEEBA,⁵ Teamsters Local 813 asked the Employer on the same day (March 12) to recognize it voluntarily as representative of the guards,

⁴ All dates hereinafter are in 2012 unless otherwise indicated.

⁵ LEEBA made certain factual assertions in its motion to reopen the record, as described in more detail below. The instant Decision makes no findings of fact regarding these allegations, but simply recounts them in order to give context to LEEBA's motion.

although the Employer declined to do so. Meanwhile, the Employer continued to bargain with LEEBA for a successor contract, but the parties did not reach agreement before the prior contract expired on April 30.

On May 2, two days after the contract expired, SPFPA filed another petition in Case No. 29-RC-080127 to represent the same unit of guards. However, SPFPA withdrew that petition. Finally, on May 9, SPFPA filed the instant petition (Case No. 29-RC-080589), and the hearing was held on May 23.

In the meantime, on May 9, LEEBA filed an unfair labor practice charge in Case No. 29-CA-080677, alleging that the Employer failed and refused to bargain with LEEBA in good faith, in violation of Section 8(a)(5) of the Act. LEEBA alleged that the Employer intentionally bargained in bad faith in order to allow its contract with LEEBA to expire, to allow other labor organizations to file petitions covering the same unit of guards, and thereby to allow Teamsters Local 813 to replace LEEBA as the guards' bargaining representative. The Region found insufficient evidence of the alleged violation, and the charge in that case was dismissed on June 26. Nevertheless, the allegations must be noted in order to understand LEEBA's allegations in its motion to reopen the record.

In its motion to reopen the record, LEEBA alleges that immediately after the hearing in the instant representation case closed on May 23, SPFPA director of organizing Steve Maritas admitted to LEEBA president Kenneth Wynder that he (Maritas) did not "care" about the Sea Gate guards, and that he had filed the representation petition only as a "favor" to the Teamsters. As noted above, LEEBA alleges that Teamsters Local 813 asked the Employer for voluntary recognition on May 12, the same day it withdrew its

petition in Case No. 29-RC-075513. Thus, viewing these allegations in conjunction with the unfair labor practice allegations, LEEBA contends that the Employer deliberately let the contract negotiations extend past the contract expiration date, as part of a conspiracy to allow SPFPA and/or Teamsters Local 813 to file representation petitions, and to allow the Employer to recognize Teamsters Local 813 voluntarily as representative of the guards even though it is not a guard union, thereby “circumventing” the requirements of Section 9(b)(3) and “perpetrating a fraud” on the Agency. LEEBA contends that Maritas’ alleged comment after the hearing (i.e., that SPFPA filed its petition only as a “favor” to the Teamsters) essentially confirms the existence of this conspiracy. Finally, LEEBA claims that this newly-discovered evidence proves that the Petitioner (SPFPA) is closely affiliated with Teamsters Local 813 as a nonguard union, and is therefore non-certifiable under Section 9(b)(3).

Discussion

In assessing an alleged “indirect affiliation” between a guard union and a nonguard union, the Board distinguishes between minor or preliminary assistance on the one hand, and continued, material assistance on the other hand:

[M]utual sympathy, common purpose, and assistance between such unions [is] not, without more, indicative of “indirect affiliation” within the meaning of Section 9(b) of the Act. Thus, a mere showing that the guard union had used the meeting hall of a nonguard union rent-free; that assistance was provided to the guard union in its organizational stage; or that the nonguard union had recommended an attorney and mimeographed membership cards for the guard union, was found insufficient to establish that the guard union was not free to formulate its own policies and decide its own course of action independently. Such facts alone will not necessarily support a finding of indirect affiliation within the meaning of Section 9(b)(3).

International Harvester Co., 145 NLRB 1747, 1749 (1964)(internal quotation marks and citations omitted). By contrast, a guard union which continues to accept substantial financial assistance from a nonguard union, or which allows the nonguard union to participate in its negotiations or other affairs, will be seen as improperly “affiliated.” Id., 145 NLRB at 1750.

In the International Harvester case, for example, the Harvester Guards Union was certified to represent a unit of guards in November 1962. That union hired an attorney to represent it during contract negotiations (March to June 1963), but was unable to reach an agreement with the employer. Thereafter, the attorney asked a Teamster local president to assist in the negotiations, and the president indeed attended and actively participated in two negotiation sessions in July 1963. The Teamsters also helped organize a subsequent strike and picketing at the employer’s site later in July 1963; gave the guard union thousands of dollars to pay the pickets; and helped settle the strike in August 1963. Under those circumstances, the Board found that the guard union was no longer independent from the Teamsters, and revoked its certification. Id. at 1749-50.

Conversely, even a guard union which was previously affiliated with a nonguard union may retain its certification if such affiliation ceases. In U.S. Corrections Corp., d/b/a Lee Adjustment Center, 325 NLRB 375 (1998), a local of the Service Employees International Union (SEIU) filed a petition to represent a unit of correctional officers in Kentucky, but the petition was dismissed because the SEIU was unqualified to represent the officers under Section 9(b)(3). Thereafter, the officers in question organized the “Kentucky Corrections Officers Association” (KCOA) and filed another petition. An SEIU business agent, Paul Hounshell, assisted in the preliminary organizational efforts

and appeared at the pre-election hearing on behalf of the new KCOA. The Board found that such limited, preliminary assistance did not disqualify KCOA, which was certified to represent the officers in November 1996. At subsequent meetings in January and early February 1997, Hounshell actively participated in contract negotiations and drafted a tentative agreement. The Board held that SEIU's assistance as of mid-February had exceeded the restrictions imposed by Section 9(b)(3). However, after the employer filed a motion to revoke KCOA's certification in mid-February 1997, both KCOA and the employer were notified that the SEIU would no longer assist KCOA. In fact, Hounshell did not attend subsequent negotiation sessions or otherwise participate in KCOA's affairs. Based on the fact that SEIU's assistance had thereafter ceased, the Board declined to revoke KCOA's certification. *Id.*, 325 NLRB at 377. Thus, it is obvious from these cases that the Board must examine the specific facts of each case, including the nature and duration of any affiliation, to assess a guard union's certifiability at a given time. Circumstances may change, and the Board must base its assessment on specific record evidence at the relevant time. Lee Adjustment Center, *id.* at fn. 7; Bonded Armored Carrier, Inc., 195 NLRB 346, fn. 2 (1972)(Board rejects speculative allegation before election, but notes that petition to revoke certification could be entertained later, if circumstances changed). *See also* Security Consultants Group, Inc., 2011 WL 933637 (NLRB March 17, 2011, Case No. 16-RC-10961).

In the instant case, LEEBA has moved to reopen the record based on "newly discovered evidence," i.e., that director of organizing Maritas allegedly stated that he filed SPFPA's petition only as a "favor" to Teamsters Local 813. LEEBA essentially contends that this statement confirms a conspiracy among the three parties (the Employer, SPFPA

and Teamsters Local 813) to delay contract negotiations beyond the expiration date, to allow SPFPA and/or Teamsters Local 813 to file representation petitions, and to allow the Employer to recognize Teamsters Local 813 voluntarily as representative of the guards even though it is not a guard union. According to LEEBA, this evidence would show that SPFPA is sufficiently affiliated with Teamsters Local 813 to disqualify it under Section 9(b)(3).

There are several problems with LEEBA's arguments. First of all, this Region found insufficient evidence to support the allegation in the unfair labor practice charge in Case No. 29-CA-080677, i.e., that the Employer deliberately stalled negotiations in violation of Section 8(a)(5) as part of the alleged conspiracy. Second, the conspiracy seems extremely unlikely in light of the Employer's actual refusal to recognize Teamsters Local 813.⁶ However, even if LEEBA's factual assertion were true (that SPFPA did a "favor" to Local 813), it would show only some short-term assistance or coordination between SPFPA and Local 813. The proffered evidence fails to show Local 813's substantial assistance or sustained participation in SPFPA's affairs sufficient to prove "indirect affiliation" under such cases as International Harvester and Lee Adjustment Center cited *supra*. In other words, the evidence proffered does not show that, if SPFPA won the election and was certified by this agency to represent Sea Gate's guards, it would not be free to formulate its own policies and decide its own course of action independent from Local 813. Of course, a petition to revoke any such certification could be filed if, in fact, evidence of improper affiliation arose at a later date. However, even if LEEBA's

⁶ See Signal Transformer Co., 265 NLRB 272 (1982)(violation of Section 8(a)(2) to recognize a new union while valid petition is pending and incumbent union has not abandoned its claim to represent the unit).

claims were true (including Maritas' alleged statement), they do not show the type of sustained assistance or control sufficient to disqualify SPFPA at this point in time.

Furthermore, it appears that LEEBA's motion does not meet the requirements of the Board's rules regarding post-hearing motions to reopen the record. Specifically, Section 102.65(e)(1) states in part that a motion to reopen to the record "shall specify briefly ... the additional evidence sought to be adduced, *why it was not presented previously*, and what result it would require if adduced and credited" (emphasis added). The rule allows the Regional Director to take additional evidence only if the evidence was "newly discovered" and "available only since the close of the hearing." As noted above, Maritas testified at the hearing, and LEEBA's representative had an opportunity to question him. LEEBA could have asked Maritas about SPFPA's alleged coordination with the Teamsters in filing and pursuing its petitions, but it did not. I find that LEEBA's motion fails to state why the evidence (testimony regarding Maritas' reasons for filing the petition or any alleged coordination with the Teamsters) was previously unavailable.

In sum, I have concluded that the LEEBA, as the incumbent union representing the bargaining unit of guards employed by The Sea Gate Association, has failed to provide an adequate basis for challenging the Petitioner's certifiability to represent guards under Section 9(b)(3) of the Act. I will therefore direct an election with both unions on the ballot, allowing those guards to choose representation by LEEBA, by SPFPA, or by neither labor organization.

CONCLUSIONS AND FINDINGS

Based upon the entire record in this proceeding, the undersigned finds and concludes as follows:

1. All of the Hearing Officer's other rulings are free from prejudicial error and hereby are affirmed.

2. The record indicates that The Sea Gate Association is a domestic corporation, with its principal office and place of business located at 3700 Surf Avenue, Brooklyn, New York, where it operates a gated residential community and provides security services. The parties stipulated that, during the past year, which period represents its annual operations generally, the Employer derived gross revenues in excess of \$500,000, and purchased and received at its Brooklyn, New York facility, goods and supplies valued in excess of \$50,000 directly from points located outside the State of New York.

Based on the foregoing, I find that the Employer is engaged in commerce within the meaning of the Act. It will therefore effectuate purposes of the Act to assert jurisdiction in this case.

3. The parties stipulated, and I hereby find, that the Law Enforcement Employees' Benevolent Association (LEEBA) and the International Union, Security, Police and Fire Professionals of America (SPFPA) are labor organizations as defined in Section 2(5) of the Act. They claim to represent guards employed by the Employer. As discussed *supra*, I find that they are both qualified to represent guards under Section 9(b)(3) of the Act.

4. A question concerning commerce exists concerning the representation of those employees within the meaning of Section 9(c)(1) and Section 2(6) and (7) of the Act.

5. I hereby find that the following unit of employees employed by The Sea Gate Association is an appropriate guards-only unit for purposes of collective bargaining:

All full-time and regular part-time police officers, including detectives, employed by the Employer, but excluding all sergeants and officers of higher rank, office clerical employees, professional employees and supervisors as defined in the Labor Management Relations Act of 1947, as amended, and all other employees.

DIRECTION OF ELECTION

The National Labor Relations Board will conduct a secret ballot election among the employees in the unit found appropriate above. The employees will vote whether they wish to be represented for purposes of collective bargaining by the Law Enforcement Employees' Benevolent Association, or by the International Union, Security, Police and Fire Professionals of America, or by neither labor organization. The date, time, and place of the election will be specified in the Notice of Election that the Board's Regional Office will issue subsequent to this Decision.

A. Voting Eligibility

Eligible to vote in the election are those in the unit who were employed during the payroll period ending immediately before the date of this Decision, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off. Employees engaged in any economic strike, who have retained their status as strikers and who have not been permanently replaced are also eligible to vote. In addition, in an economic strike which commenced less than 12 months before the election date, employees engaged in such a strike who have retained their status as strikers but who have been permanently replaced, as well as their replacements, are eligible to vote.

Unit employees in the military services of the United States who are employed in the unit may vote if they appear in person at the polls.

Ineligible to vote are (1) employees who have quit or been discharged for cause since the designated payroll period; (2) striking employees who have been discharged for cause since the strike began and who have not been rehired or reinstated before the election date; and (3) employees who are engaged in an economic strike that began more than 12 months before the election date and who have been permanently replaced.

B. Employer to Submit List of Eligible Voters

To ensure that all eligible voters may have the opportunity to be informed of the issues in the exercise of their statutory right to vote, all parties to the election should have access to a list of voters and their addresses, which may be used to communicate with them. Excelsior Underwear, Inc., 156 NLRB 1236 (1966); NLRB v. Wyman-Gordon Company, 394 U.S. 759 (1969).

Accordingly, it is hereby directed that within 7 days of the date of this Decision, the Employer must submit to the Regional Office an election eligibility list, containing the full names and addresses of all the eligible voters. North Macon Health Care Facility, 315 NLRB 359, 361 (1994). This list must be of sufficiently large type to be clearly legible. To speed both preliminary checking and the voting process, the names on the list should be alphabetized (overall or by department, etc.). This list may initially be used by me to assist in determining an adequate showing of interest. I shall, in turn, make the list available to all parties to the election.

To be timely filed, the list must be received in the Regional Office, Two MetroTech Center, 5th Floor, Brooklyn, New York 11201, on or before **July 12, 2012**.

No extension of time to file this list will be granted except in extraordinary circumstances, nor will the filing of a request for review affect the requirement to file this list. Failure to comply with this requirement will be grounds for setting aside the election whenever proper objections are filed. The list may be submitted to the Regional Office by electronic filing through the Agency's website, www.nrlb.gov,⁷ by mail, or by facsimile transmission at (718) 330-7579. The burden of establishing the timely filing and receipt of the list will continue to be placed on the sending party.

Since the list will be made available to all parties to the election, please furnish a total of **two** copies, unless the list is submitted by facsimile or electronic filing, in which case no copies need be submitted. If you have any questions, please contact the Regional Office.

C. Notice of Posting Obligations

According to Section 103.20 of the Board's Rules and Regulations, the Employer must post the Notices to Election provided by the Board in areas conspicuous to potential voters for at least three (3) working days prior to 12:01 of the date of the election. Failure to follow the posting requirement may result in additional litigation if proper objections to the election are filed. Section 103.20(c) requires an employer to notify the Board at least 5 full working days prior to 12:01 a.m. of the day of the election if it has not received copies of the election notice. Club Demonstration Services, 317 NLRB 349 (1995). Failure to do so estops employers from filing objections based on nonposting of the election notice.

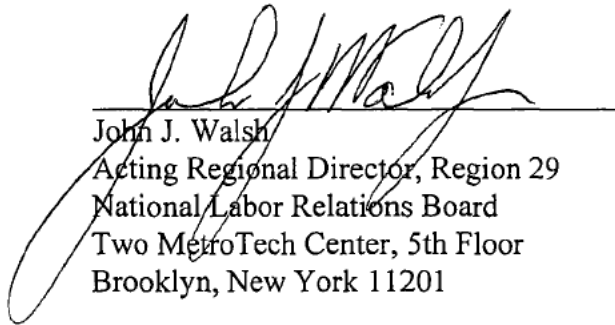
⁷ To file the eligibility list electronically, go to www.nrlb.gov and select the E-Gov tab. Then click on the **E-Filing** link on the menu, and follow the detailed instructions.

RIGHT TO REQUEST REVIEW

Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board, addressed to the Executive Secretary, 1099 14th Street, N.W., Washington, D.C.

20570-0001. This request must be received by the Board in Washington by 5 p.m., EST on **July 19, 2012**. The request may be filed electronically through the Agency's website, www.nlr.gov,⁸ but may **not** be filed by facsimile.

Dated: July 5, 2012.



John J. Walsh
Acting Regional Director, Region 29
National Labor Relations Board
Two MetroTech Center, 5th Floor
Brooklyn, New York 11201

⁸ To file the request for review electronically, go to www.nlr.gov, select **File Case Documents**, click on the NLRB Case Number, and follow the detailed instructions.

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

NOTICE

CASE NO. : Case 29-RC-080589

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end. An agreement between the parties, approved by the Regional director, would serve to cancel the hearing

However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements **will not be granted** unless good and sufficient grounds are shown **and** the following requirements are met:

- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds thereafter must be set forth in **detail**;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; **and**
- (5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of the hearing.

THE SEA GATE ASSOCIATION-
SEAGATE POLICE DEPARTMENT
3700 SURF AVE
BROOKLYN, NY 11224-1227

INTERNATIONAL UNION SECURITY
POLICE AND FIRE PROFESSIONALS
OF AMERICA (SPFPA)
25510 KELLY ROAD
ROSEVILLE, MI 48066-4932

YONKERS RACEWAY POLICE
BENEVOLENT ASSOCIATION
277 MAIN ST, STE 1
CATSKILL, NY 12414-1512

**UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
REGION 29**

THE SEA GATE ASSOCIATION Employer and INTERNATIONAL UNION, SECURITY POLICE AND FIRE PROFESSIONALS OF AMERICA (SPFPA) Petitioner	Case 29-RC-080589
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TYPE OF ELECTION: RD DIRECTED

CERTIFICATION OF REPRESENTATIVE


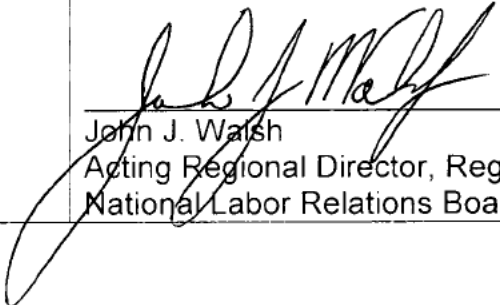
An election has been conducted under the Board's Rules and Regulations. The Tally of Ballots shows that a collective-bargaining representative has been selected. No timely objections have been filed.

As authorized by the National Labor Relations Board, it is certified that a majority of the valid ballots have been cast for

INTERNATIONAL UNION, SECURITY POLICE AND FIRE
PROFESSIONALS OF AMERICA (SPFPA)

and that it is the exclusive collective-bargaining representative of the employees in the following appropriate unit.

Unit: Included: All full-time and regular part-time police officers, including detectives, employed by the Employer. Excluded: All sergeants and officers of higher rank, office clerical employees, professional employees and supervisors as defined in the Labor Management Relations Act of 1947, as amended, and all other employees.

	August 9, 2012	 John J. Walsh Acting Regional Director, Region 29 National Labor Relations Board
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The Sea Gate Association		
Case 29-RC-080589	-2-	

NOTICE OF BARGAINING OBLIGATION

In the recent representation election, a labor organization received a majority of the valid votes cast. Except in unusual circumstances, unless the results of the election are subsequently set aside in a post-election proceeding, the employer's legal obligation to refrain from unilaterally changing bargaining unit employees' terms and conditions of employment begins on the date of the election.

The employer is not precluded from changing bargaining unit employees' terms and conditions during the pendency of post-election proceedings, **as long as** the employer (a) gives sufficient notice to the labor organization concerning the proposed change(s); (b) negotiates in good faith with the labor organization, upon request; and (c) good faith bargaining between the employer and the labor organization leads to agreement or overall lawful impasse.

This is so even if the employer, or some other party, files objections to the election pursuant to Section 102.69 of the Rules and Regulations of the National Labor Relations Board (the Board). If the objections are later overruled and the labor organization is certified as the employees' collective-bargaining representative, the employer's obligation to refrain from making unilateral changes to bargaining unit employees' terms and conditions of employment begins on the date of the election, not on the date of the subsequent decision by the Board or court. Specifically, the Board has held that, absent exceptional circumstances,¹ an employer acts at its peril in making changes in wages, hours, or other terms and conditions of employment during the period while objections are pending and the final determination about certification of the labor organization has not yet been made.

It is important that all parties be aware of the potential liabilities if the employer unilaterally alters bargaining unit employees' terms and conditions of employment during the pendency of post-election proceedings. Thus, typically, if an employer makes post-election changes in employees' wages, hours, or other terms and conditions of employment without notice to or consultation with the labor organization that is ultimately certified as the employees' collective-bargaining representative, it violates Section 8(a)(1) and (5) of the National Labor Relations Act since such changes have the effect of undermining the labor organization's status as the statutory representative of the employees. This is so even if the changes were motivated by sound business considerations and not for the purpose of undermining the labor organization. As a remedy, the employer could be required to: 1) restore the status quo ante; 2) bargain, upon request, with the labor organization with respect to these changes; and 3) compensate employees, with interest, for monetary losses resulting from the unilateral implementation of these changes, until the employer bargains in good faith with the labor organization, upon request, or bargains to overall lawful impasse.

¹ Exceptions may include the presence of a longstanding past practice, discrete event, or exigent economic circumstance requiring an immediate response.

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
**CHARGE AGAINST LABOR ORGANIZATION
OR ITS AGENTS**

DO NOT WRITE IN THIS SPACE	
Case	Date Filed

INSTRUCTIONS: File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT			
a. Name International Union Security, Police, Fire, Professional of America Local 1		b. Union Representative to contact (b) (6), (b) (7)(C)	
c. Address (Street, city, state, and ZIP code) (b) (6), (b) (7)(C)		d. Tel. No. (b) (6), (b) (7)(C)	e. Cell No.
		f. Fax No.	g. e-Mail SPFPALOCAL1@GMAIL.COM
h. The above-named organization(s) or its agents has (have) engaged in and is (are) engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (list subsections) 8 b (2) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.			
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) Within the past 6 months, SPFPA has violated the National Labor Relations Act by causing employer (Fox Studios) to discriminate against union employees by threatening to terminate employees employment if they do not pay union dues in advance.			
3. Name of Employer Fox Studios		4a. Tel. No. 310-369-1876	b. Cell No.
		c. Fax No.	d. e-Mail jason.faust@fox.com
5. Location of plant involved (street, city, state and ZIP code) 10201 W Pico Blvd Los Angeles CA		6. Employer representative to contact Jason Faust Dir. of Labor Relations	
7. Type of establishment (factory, mine, wholesaler, etc.) Entertainment	8. Identify principal product or service Service	9. Number of workers employed 69	
10. Full name of party filing charge (b) (6), (b) (7)(C)		11a. Tel. No. (b) (6), (b) (7)(C)	b. Cell No.
		c. Fax No.	d. e-Mail
11. Address of party filing charge (street, city, state and ZIP code.) (b) (6), (b) (7)(C)			
(b) (6), (b) (7)(C)			
12. DECLARATION I declare that I have read the statements therein are true to the best of my knowledge and belief. By (signature of representative making charge) (Print/type) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Address (date)		Tel. No. (b) (6), (b) (7)(C) Cell No. Fax No. e-Mail	

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

UNITED STATES OF AMERICA		DO NOT WRITE IN THIS SPACE	
NATIONAL LABOR RELATIONS BOARD		Case	Date filed
FIRST AMENDED CHARGE AGAINST LABOR ORGANIZATION OR ITS AGENTS		31-CB-121996	
INSTRUCTIONS: File an original of this charge with the NLRB Regional Director of the region in which the alleged unfair labor practice occurred or is occurring.			
1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT			
a Name International Union, Security, Police, Fire, Professionals of America (SPFPA) Amalgamated Local1		b Union Representative to Contact (b) (6), (b) (7)(C)	
c Address (b) (6), (b) (7)(C)		d Tel No (b) (6), (b) (7)(C)	e Cell No
		f Fax No	g e-Mail spfpalocal1@gmail.com
h The above-named labor organization or its agents have engaged in and are engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (1)(A) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act			
2 Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)			
Within the last six months, the above-named labor organization has restrained and coerced employees by threatening to invoke the discharge provisions of an otherwise lawful union-security clause against the Charging Party in order to collect dues which cannot lawfully be demanded from the Charging Party as a condition of (b) (6), hire or tenure with the Employer.			
3 Name of Employer FOX STUDIOS		4a Tel No	4b Cell No
		4c Fax No.	4d e-Mail jason faust@fox.com
5. Location of Plant involved (street, city, state, and ZIP code) 10201 W Pico Blvd, Los Angeles, CA 90064-2606		6 Employer representative to contact JASON FAUST	
7 Type of Establishment (factory, mine, wholesaler) Entertainment	8 Principal product or service Service	9 Number of Workers employed 69	
10. Full name of party filing charge (b) (6), (b) (7)(C)		11a Tel No (b) (6), (b) (7)(C)	11b Cell No.
		11c Fax No	11d e-Mail
11 Address of party filing charge (street, city, state, and ZIP code) (b) (6), (b) (7)(C)			
12. DECLARATION			
I declare that I have read the above charge and that the statements therein are true to the best of my knowledge and belief.			
By (b) (6), (b) (7)(C)		Tel No (b) (6), (b) (7)(C)	
(signature of representative making charge)		Cell No.	
(b) (6), (b) (7)(C), An Individual		Fax No	
Print/type name and title or office, if any)			
Address (b) (6), (b) (7)(C)		Date 2/20/14	e-Mail

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
SETTLEMENT AGREEMENT

IN THE MATTER OF

**International Union, Security, Police, Fire, Professional of America
(SPFPA) Amalgamated Local 1 (Fox Studios)**

**Cases 31-CB-121996
31-CB-121997
31-CB-121998
31-CB-122001**

Subject to the approval of the Regional Director for the National Labor Relations Board, the Charged Party and the Charging Party **HEREBY AGREE TO SETTLE THE ABOVE MATTER AS FOLLOWS:**

POSTING OF NOTICES — After the Regional Director has approved this Agreement, the Regional Office will send copies of the approved Notices to the Charged Party in English and in additional languages if the Regional Director decides that it is appropriate to do so. A responsible official of the Charged Party will then sign and date those Notices and immediately post them in prominent places at the Charged Party's office located at 1620 Centinela Ave. Suite 308, Inglewood, CA 90302. The Charged Party will keep all Notices posted for 60 consecutive days after the initial posting. Further, if the Charged Party maintains bulletin boards at the facility of the Employer where the alleged unfair labor practices occurred, the Charged Party shall also post Notices on each such bulletin board during the posting period. The Regional Director will send copies of the signed Notices to the Employer whose employees are involved in this case, and request that the Notices be posted in prominent places in the Employer's facility for 60 consecutive days from the date of posting.

COMPLIANCE WITH NOTICE — The Charged Party will comply with all the terms and provisions of said Notice.

Non-Admission Clause — By entering into this Settlement Agreement, the Charged Party does not admit that it has violated the National Labor Relations Act.

SCOPE OF THE AGREEMENT — This Agreement settles only the allegations in the above-captioned cases, and does not settle any other case(s) or matters.

- The Union violated Section 8(b)(1)(A) of the Act by threatening to invoke the discharge provisions of an otherwise lawful union-security clause against employees in order to collect amounts which cannot lawfully be demanded from employees as a condition of their hire or tenure.

It does not prevent persons from filing charges, the General Counsel from prosecuting complaints, or the Board and the courts from finding violations with respect to matters that happened before this Agreement was approved regardless of whether General Counsel knew of those matters or could have easily found them out. The General Counsel reserves the right to use the evidence obtained in the investigation and prosecution of the above-captioned cases for any relevant purpose in the litigation of this or any other case(s), and a judge, the Board and the courts may make findings of fact and/or conclusions of law with respect to said evidence.

PARTIES TO THE AGREEMENT — If the Charging Party fails or refuses to become a party to this Agreement and the Regional Director determines that it will promote the policies of the National Labor Relations Act, the Regional Director may approve the settlement agreement and decline to issue or reissue a Complaint in this matter. If that occurs, this Agreement shall be between the Charged Party and the undersigned Regional Director. In that case, a Charging Party may request review of the decision to approve the Agreement. If the General Counsel does not sustain the Regional Director's approval, this Agreement shall be null and void.

AG
4-7-14

AUTHORIZATION TO PROVIDE COMPLIANCE INFORMATION AND NOTICES DIRECTLY TO CHARGED PARTY — Counsel for the Charged Party authorizes the Regional Office to forward the cover letter describing the general expectations and instructions to achieve compliance, a conformed settlement, original notices and a certification of posting directly to the Charged Party. If such authorization is granted, Counsel will be simultaneously served with a courtesy copy of these documents.

Yes AM (b) (6), (b) (7)(C) No _____
 Initials Initials

PERFORMANCE — Performance by the Charged Party with the terms and provisions of this Agreement shall commence immediately after the Agreement is approved by the Regional Director, or if the Charging Party does not enter into this Agreement, performance shall commence immediately upon receipt by the Charged Party of notice that no review has been requested or that the General Counsel has sustained the Regional Director.

The Charged Party agrees that in case of non-compliance with any of the terms of this Settlement Agreement by the Charged Party, and after 14 days notice from the Regional Director of the National Labor Relations Board of such non-compliance without remedy by the Charged Party, the Regional Director will resume processing and investigation of the cases.

NOTIFICATION OF COMPLIANCE — Each party to this Agreement will notify the Regional Director in writing what steps the Charged Party has taken to comply with the Agreement. This notification shall be given within 5 days, and again after 60 days, from the date of the approval of this Agreement. If the Charging Party does not enter into this Agreement, initial notice shall be given within 5 days after notification from the Regional Director that the Charging Party did not request review or that the General Counsel sustained the Regional Director's approval of this agreement. No further action shall be taken in the above captioned case(s) provided that the Charged Party complies with the terms and conditions of this Settlement Agreement and Notice.

<u>Charged Party</u>		<u>Charging Parties</u>	
International Union, Security, Police, Fire, Professionals of America (SPFPA) Amalgamated Local 1		(b) (6), (b) (7)(C) Case No. 31-CB-122001	Date
		/s/ (b) (6), (b) (7)(C)	4/15/14
		(b) (6), (b) (7)(C), Case No. 31-CB-121997	Date
By: Name and Title	Date	(b) (6), (b) (7)(C), Case No. 31-CB-121998	Date
<i>Said M. Chagary</i> SPFPA GENERAL COUNSEL	4/7/14	(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) B-121996	Date
			4/15/14
Recommended By:	Date	Approved By:	Date
/s/ Paul Sykes	4/17/14	/s/ Mori Pam Rubin	4/21/14
PAUL SYKES, Field Examiner		Regional Director, Region 31	

AUTHORIZATION TO PROVIDE COMPLIANCE INFORMATION AND NOTICES DIRECTLY TO CHARGED PARTY — Counsel for the Charged Party authorizes the Regional Office to forward the cover letter describing the general expectations and instructions to achieve compliance, a conformed settlement, original notices and a certification of posting directly to the Charged Party. If such authorization is granted, Counsel will be simultaneously served with a courtesy copy of these documents.

Yes APJ Initials No _____ Initials

PERFORMANCE — Performance by the Charged Party with the terms and provisions of this Agreement shall commence immediately after the Agreement is approved by the Regional Director, or if the Charging Party does not enter into this Agreement, performance shall commence immediately upon receipt by the Charged Party of notice that no review has been requested or that the General Counsel has sustained the Regional Director.

The Charged Party agrees that in case of non-compliance with any of the terms of this Settlement Agreement by the Charged Party, and after 14 days notice from the Regional Director of the National Labor Relations Board of such non-compliance without remedy by the Charged Party, the Regional Director will resume processing and investigation of the cases.

NOTIFICATION OF COMPLIANCE — Each party to this Agreement will notify the Regional Director in writing what steps the Charged Party has taken to comply with the Agreement. This notification shall be given within 5 days, and again after 60 days, from the date of the approval of this Agreement. If the Charging Party does not enter into this Agreement, initial notice shall be given within 5 days after notification from the Regional Director that the Charging Party did not request review or that the General Counsel sustained the Regional Director's approval of this agreement. No further action shall be taken in the above captioned case(s) provided that the Charged Party complies with the terms and conditions of this Settlement Agreement and Notice.

Charged Party International Union, Security, Police, Fire, Professionals of America (SPFPA) Amalgamated Local 1		Charging Parties	
		(b) (6), (b) (7)(C), Case No. 31-CB-122001	Date
		(b) (6), (b) (7)(C)	4/15/14
		(b) (6), (b) (7)(C), Case No. 31-CB-121997	Date
By: Name and Title	Date	(b) (6), (b) (7)(C) Case No. 31-CB-121998	Date
David M. Gregory SPFPA GENERAL COUNSEL	4/7/14	(b) (6), (b) (7)(C), Case No. 31-CB-121996	Date
		/s/ (b) (6), (b) (7)(C)	4/15/14
Recommended By:	Date	Approved By:	Date
Paul Sykes PAUL SYKES, Field Examiner	4/17/14	Mori Ruben Regional Director, Region 31	4/21/14

(To be printed and posted on official Board notice form)

FEDERAL LAW GIVES YOU THE RIGHT TO:

- Form, join, or assist a union;
- Choose a representative to bargain with your employer on your behalf;
- Act together with other employees for your benefit and protection;
- Choose not to engage in any of these protected activities.

WE WILL NOT do anything to prevent you from exercising the above rights.

WE WILL NOT in any like or related manner restrain or coerce you in the exercise of your rights under Section 7 of the Act.

WE WILL NOT threaten to invoke the discharge provisions of an otherwise lawful union-security clause against employees in order to collect amounts which cannot lawfully be demanded from employees as a condition of their hire or tenure.

WE WILL notify the affected employees that we will not invoke the discharge provisions of the union security clause to collect dues in advance.

**International Union, Security, Police, Fire,
Professionals of America (SPFPA) Amalgamated
Local 1**

(Labor Organization)

Dated: _____ **By:** _____
(Representative) (Title)

The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National Labor Relations Act. We conduct secret-ballot elections to determine whether employees want union representation and we investigate and remedy unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below or you may call the Board's toll-free number 1-866-667-NLRB (1-866-667-6572). Hearing impaired persons may contact the Agency's TTY service at 1-866-315-NLRB. You may also obtain information from the Board's website: www.nlr.gov.

11500 W Olympic Blvd Ste 600

Telephone: (310)235-7351

6/14/14
4/7/14

Los Angeles, CA 90064-1753

Hours of Operation: 8:30 a.m. to 5 p.m.

THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE

This notice must remain posted for 60 consecutive days from the date of posting and must not be altered, defaced or covered by any other material. Any questions concerning this notice or compliance with its provisions may be directed to the above Regional Office's Compliance Officer.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 31
11500 West Olympic Blvd - Suite 600
Los Angeles, CA 90064-1753

Agency Website: www.nlrb.gov
Telephone: (310)235-7351
Fax: (310)235-7420

August 20, 2014

Gordon A. Gregory, Esq.
Gregory, Moore, Jeakle, & Brooks, P.C.
65 Cadillac Square, Suite 3727
Detroit, MI 48226-2893

(b) (6), (b) (7)(C)
International Union Security, Police,
Fire Professionals of America Local 1

(b) (6), (b) (7)(C)

Re: International Union Security, Police, Fire,
Professional of America Local 1 (Fox Studios)
Cases 31-CB-121996, 31-CB-121997,
31-CB-121998, 31-CB-122001

Gentlemen:

The above-captioned cases have been closed on compliance. Please note that the closing is conditioned upon continued observance of the informal Settlement Agreement.

Very truly yours,

/s/ Mori Pam Rubin

MORI RUBIN
Regional Director

cc: (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Jason Faust
Twentieth Century Fox Film Corporation
10201 West Pico Blvd
Los Angeles, CA 90064-2606

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
**CHARGE AGAINST LABOR ORGANIZATION
OR ITS AGENTS**

DO NOT WRITE IN THIS SPACE	
Case	Date Filed

INSTRUCTIONS: File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT			
a. Name International Union Security, Police, Fire, Professional of America Local 1		b. Union Representative to contact (b) (6), (b) (7)(C)	
c. Address (Street, city, state, and ZIP code) (b) (6), (b) (7)(C)		d. Tel. No. (b) (6), (b) (7)(C)	e. Cell No.
		f. Fax No.	g. e-Mail SPFPALOCAL1@GMAIL.COM
h. The above-named organization(s) or its agents has (have) engaged in and is (are) engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (list subsections) 8 b (2) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.			
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) Within the past 6 months, SPFPA has violated the National Labor Relations Act by causing employer (Fox Studios) to discriminate against union employees by threatening to terminate employees employment if they do not pay union dues in advance.			
3. Name of Employer Fox Studios		4a. Tel. No. 310-369-1876	b. Cell No.
		c. Fax No.	d. e-Mail jason.faust@fox.com
5. Location of plant involved (street, city, state and ZIP code) 10201 W Pico Blvd Los Angeles CA		6. Employer representative to contact Jason Faust Dir. of Labor Relations	
7. Type of establishment (factory, mine, wholesaler, etc.) Entertainment	8. Identify principal product or service Service	9. Number of workers employed 69	
10. Full name of party filing charge (b) (6), (b) (7)(C)		11a. Tel. No. (b) (6), (b) (7)(C)	b. Cell No.
		c. Fax No.	d. e-Mail
11. Address of party filing charge (street, city, state and ZIP code.) (b) (6), (b) (7)(C)			
12. DECLARATION I declare that (b) (6), (b) (7)(C) and that the statements of (b) (6), (b) (7)(C) By (sign) (b) (6), (b) (7)(C) person making charge (b) (6), (b) (7)(C) Address (b) (6), (b) (7)(C) (date) 1/30/14		Tel. No. (b) (6), (b) (7)(C) Cell No. Fax No. e-Mail (b) (6), (b) (7)(C)	

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

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UNITED STATES OF AMERICA		DO NOT WRITE IN THIS SPACE	
NATIONAL LABOR RELATIONS BOARD		Case	Date filed
FIRST AMENDED CHARGE AGAINST LABOR ORGANIZATION OR ITS AGENTS		31-CB-121997	
INSTRUCTIONS: File an original of this charge with the NLRB Regional Director of the region in which the alleged unfair labor practice occurred or is occurring.			
1 LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT			
a Name International Union, Security, Police, Fire, Professionals of America (SPFPA) Amalgamated Local1		b Union Representative to Contact (b) (6), (b) (7)(C)	
c Address (b) (6), (b) (7)(C)		d Tel No (b) (6), (b) (7)(C)	e Cell No
		f Fax No	g e-Mail spfpalocal1@gmail.com
h The above-named labor organization or its agents have engaged in and are engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (1) (A) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act			
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)			
Within the last six months, the above-named labor organization has restrained and coerced employees by threatening to invoke the discharge provisions of an otherwise lawful union-security clause against the Charging Party in order to collect dues which cannot lawfully be demanded from the Charging Party as a condition of his hire or tenure with the Employer.			
3 Name of Employer FOX STUDIOS		4a Tel No	4b Cell No
		4c Fax No	4d e-Mail jason.faust@fox.com
5 Location of Plant involved (street, city, state, and ZIP code) 10201 W Pico Blvd, Los Angeles, CA 90064-2606		6 Employer representative to contact JASON FAUST	
7 Type of Establishment (factory, mine, wholesaler) Entertainment	8 Principal product or service Service	9 Number of Workers employed 69	
10 Full name of party filing charge (b) (6), (b) (7)(C)		11a Tel No (b) (6), (b) (7)(C)	11b Cell No
		11c Fax No	11d e-Mail (b) (6), (b) (7)(C)
11 Address of party filing charge (street, city, state, and ZIP code) (b) (6), (b) (7)(C)			
12. DECLARATION			
I declare that I have read the above charge and that the statements therein are true to the best of my knowledge and belief.			
By (b) (6), (b) (7)(C)		(b) (6), (b) (7)(C)	Tel No. (b) (6), (b) (7)(C)
			Cell No
(signature) making charge		Print/type name and title or office, if any)	Fax No
Address (b) (6), (b) (7)(C)		Date 1/30/14	e-Mail (b) (6), (b) (7)(C)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

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UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
**CHARGE AGAINST LABOR ORGANIZATION
OR ITS AGENTS**

DO NOT WRITE IN THIS SPACE	
Case	Date Filed

INSTRUCTIONS: File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT			
a. Name International Union Security, Police, Fire, Professional of America Local 1		b. Union Representative to contact (b) (6), (b) (7)(C)	
c. Address (Street, city, state, and ZIP code) (b) (6), (b) (7)(C)		d. Tel. No. (b) (6), (b) (7)(C)	e. Cell No.
		f. Fax No.	g. e-Mail SPFPALOCAL1@GMAIL.COM
h. The above-named organization(s) or its agents has (have) engaged in and is (are) engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (list subsections) 8 b (2) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.			
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) Within the past 6 months, SPFPA has violated the National Labor Relations Act by causing employer (Fox Studios) to discriminate against union employees by threatening to terminate employees employment if they do not pay union dues in advance.			
3. Name of Employer Fox Studios		4a. Tel. No. 310-369-1876	b. Cell No.
		c. Fax No.	d. e-Mail jason.faust@fox.com
5. Location of plant involved (street, city, state and ZIP code) 10201 W Pico Blvd Los Angeles CA		6. Employer representative to contact Jason Faust Dir. of Labor Relations	
7. Type of establishment (factory, mine, wholesaler, etc.) Entertainment	8. Identify principal product or service Service	9. Number of workers employed 69	
10. Full name of party filing charge (b) (6), (b) (7)(C)		11a. Tel. No. (b) (6), (b) (7)(C)	b. Cell No.
		c. Fax No.	d. e-Mail
11. Address of party filing charge (street, city, state and ZIP code.) (b) (6), (b) (7)(C)			
I declare that I have read and that the statements therein are true to the best of my belief. By (signature) (b) (6), (b) (7)(C) (Person making charge) (Print name) (any) (b) (6), (b) (7)(C) Address (date)		Tel. No. (b) (6), (b) (7)(C) Cell No. Fax No. e-Mail	

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

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UNITED STATES OF AMERICA		DO NOT WRITE IN THIS SPACE	
NATIONAL LABOR RELATIONS BOARD		Case	Date filed
FIRST AMENDED CHARGE AGAINST LABOR ORGANIZATION OR ITS AGENTS		31-CB-121998	
INSTRUCTIONS: File an original of this charge with the NLRB Regional Director of the region in which the alleged unfair labor practice occurred or is occurring.			
1 LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT			
a Name International Union, Security, Police, Fire, Professionals of America (SPFPA) Amalgamated Local1		b Union Representative to Contact (b) (6), (b) (7)(C)	
c Address (b) (6), (b) (7)(C)		d Tel No (b) (6), (b) (7)(C)	e Cell No
		f Fax No	g e-Mail spflocal1@gmail.com
h The above-named labor organization or its agents have engaged in and are engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (1)(A) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act			
2 Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)			
Within the last six months, the above-named labor organization has restrained and coerced employees by threatening to invoke the discharge provisions of an otherwise lawful union-security clause against the Charging Party in order to collect dues which cannot lawfully be demanded from the Charging Party as a condition of his hire or tenure with the Employer.			
3 Name of Employer FOX STUDIOS		4a Tel No	4b Cell No
		4c Fax No	4d e-Mail jason.faust@fox.com
5 Location of Plant involved (street, city, state, and ZIP code) 10201 W Pico Blvd, Los Angeles, CA 90064-2606		6 Employer representative to contact JASON FAUST	
7. Type of Establishment (factory, mine, wholesaler) Entertainment	8 Principal product or service Service	9 Number of Workers employed 69	
10 Full name of party filing charge (b) (6), (b) (7)(C)		11a Tel No	11b Cell No (b) (6), (b) (7)(C)
		11c Fax No	11d e-Mail
11 Address of party filing charge (street, city, state, and ZIP code) (b) (6), (b) (7)(C)			
12. DECLARATION			
I declare that I have read the above charge and that the statements therein are true to the best of my knowledge and belief.			
By. (signature) (b) (6), (b) (7)(C)		Tel No	
		Cell No (b) (6), (b) (7)(C)	
(signature) making charge		Print/type name and title or office, if any	Fax No
Address (b) (6), (b) (7)(C)		Date 2-13-04	e-Mail

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT**

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UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
**CHARGE AGAINST LABOR ORGANIZATION
OR ITS AGENTS**

DO NOT WRITE IN THIS SPACE	
Case	Date Filed

INSTRUCTIONS: File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT			
a. Name International Union Security, Police, Fire, Professional of America Local 1		b. Union Representative to contact (b) (6), (b) (7)(C)	
c. Address (Street, city, state, and ZIP code) (b) (6), (b) (7)(C)		d. Tel. No. (b) (6), (b) (7)(C)	e. Cell No.
		f. Fax No.	g. e-Mail SPFPALOCAL1@GMAIL.COM
h. The above-named organization(s) or its agents has (have) engaged in and is (are) engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (list subsections) 8 b (2) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.			
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) Within the past 6 months, SPFPA has violated the National Labor Relations Act by causing employer (Fox Studios) to discriminate against union employees by threatening to terminate employees employment if they do not pay union dues in advance.			
3. Name of Employer Fox Studios		4a. Tel. No. 310-369-1876	b. Cell No.
		c. Fax No.	d. e-Mail jason.faust@fox.com
5. Location of plant involved (street, city, state and ZIP code) 10201 W Pico Blvd Los Angeles CA		6. Employer representative to contact Jason Faust Dir. of Labor Relations	
7. Type of establishment (factory, mine, wholesaler, etc.) Entertainment	8. Identify principal product or service Service	9. Number of workers employed 69	
10. Full name of party filing charge (b) (6), (b) (7)(C)		11a. Tel. No. (b) (6), (b) (7)(C)	b. Cell No.
		c. Fax No.	d. e-Mail
11. Address of party filing charge (street, city, state and ZIP code.) (b) (6), (b) (7)(C)			
I declare (b) (6), (b) (7)(C) the statements therein (b) (6), (b) (7)(C) belief.		Tel. No. (b) (6), (b) (7)(C)	
By (signature of representative of person making charge) (b) (6), (b) (7)(C) (any)		Cell No.	
		Fax No.	
(b) (6), (b) (7)(C)		e-Mail (b) (6), (b) (7)(C)	
Address (date)			

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

UNITED STATES OF AMERICA		DO NOT WRITE IN THIS SPACE	
NATIONAL LABOR RELATIONS BOARD		Case	Date filed
FIRST AMENDED CHARGE AGAINST LABOR ORGANIZATION OR ITS AGENTS		31-CB-122001	
INSTRUCTIONS: File an original of this charge with the NLRB Regional Director of the region in which the alleged unfair labor practice occurred or is occurring.			
1 LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT			
a Name International Union Security, Police, Fire, Professional of America Local1		b Union Representative to Contact (b) (6), (b) (7)(C)	
c Address 1620 Centinela Ave, Suite 308, Inglewood, CA 90302		d Tel No (b) (6), (b) (7)(C)	e Cell No.
		f Fax No	g e-Mail spfpalocal1@gmail.com
h The above-named labor organization or its agents have engaged in and are engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (1)(A) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act			
2 Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) Within the last six months, the above-named labor organization has restrained and coerced employees by threatening to invoke the discharge provisions of an otherwise lawful union-security clause against the Charging Party in order to collect dues which cannot lawfully be demanded from the Charging Party as a condition of his hire or tenure with the Employer			
3. Name of Employer FOX STUDIOS		4a Tel No	4b Cell No
		4c Fax No	4d e-Mail jason.faust@fox.com
5. Location of Plant involved (street, city, state, and ZIP code) 10201 W Pico Blvd, Los Angeles, CA 90064-2606		6 Employer representative to contact JASON FAUST	
7 Type of Establishment (factory, mine, wholesaler) Entertainment	8 Principal product or service Service	9 Number of Workers employed 69	
10 Full name of party filing charge (b) (6), (b) (7)(C)		11a Tel No (b) (6), (b) (7)(C)	11b Cell No
		11c Fax No	11d e-Mail (b) (6), (b) (7)(C)
11 Address of party filing charge (street, city, state, and ZIP code) (b) (6), (b) (7)(C)			
12. DECLARATION			
I declare that I have read the above charge and that the statements therein are true to the best of my knowledge and belief.			
By (b) (6), (b) (7)(C)	(Signature of charging party)	(b) (6), (b) (7)(C)	Tel No (b) (6), (b) (7)(C)
			Cell No
		Print/type name and title or office, if any)	Fax No
Address (b) (6), (b) (7)(C)		Date 2/20/14	e-Mail (b) (6), (b) (7)(C)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq*. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD		DO NOT WRITE IN THIS SPACE	
CHARGE AGAINST LABOR ORGANIZATION OR ITS AGENTS		Case 31-CB-142872	Date filed 12-12-14
INSTRUCTIONS: File an original of this charge with the NLRB Regional Director of the region in which the alleged unfair labor practice occurred or is occurring.			
1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT			
a Name Security, Police and Fire Professionals of America (SPFPA) International Union Local 003		b Union Representative to Contact Michael Hough	
c Address 25510 Kelly Rd, Roseville, MI 48066-4932		d Tel. No (586)772-7250	e Cell No.
		f Fax No (586)772-9644	g e-Mail
h The above-named labor organization or its agents have engaged in and are engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (1)(A) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act			
2 Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)			
<p>Within the past 6 months the above-named labor organization through its agents, officers, and/or representatives has failed to fairly represent the undersigned by misleading (b) (6), grievance in retaliation for having filed the deauthorization petition 31-UD-137034 and for his criticism of an SPFPA representative.</p> <p>Jobsite location: FAA Los Angeles ARTCC 2555 East Avenue P Palmdale, Ca 93550</p>			
3. Name of Employer Paragon Systems, Inc.		4a Tel. No (202)459-1384	4b Cell No
		4c Fax No (571)323-9130	4d e-Mail rgumul@parasys.com
5 Location of Plant involved (street, city, state, and ZIP code) 13655 Dulles Technology Dr, Ste 100, Herndon, VA 20171		6 Employer representative to contact Roman Gumul	
7 Type of Establishment (factory, mine, wholesaler) Federal Security Contractor	8 Principal product or service Security Guard Services		9 Number of Workers employed 8
10 Full name of party filing charge (b) (6), (b) (7)(C)	11a Tel No (b) (6), (b) (7)(C)		11b Cell No (b) (6), (b) (7)(C)
	11c Fax No		11d e-Mail (b) (6), (b) (7)(C)
11 Address of party filing charge (street, city, state, and ZIP code) (b) (6), (b) (7)(C)			
12. DECLARATION			
(b) (6), (b) (7)(C) and that the statements therein are true to the best of my knowledge and belief.			
(b) (6), (b) (7)(C)		Tel No	
(b) (6), (b) (7)(C) An Individual		(b) (6), (b) (7)(C)	
Print/type name and title or office, if any		Cell No. (b) (6), (b) (7)(C)	
Address (b) (6), (b) (7)(C)		Date 12/10/14	Fax No
			e-Mail (b) (6), (b) (7)(C)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

(b) (6), (b) (7)(C)



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 31
11500 W Olympic Blvd Ste 600
Los Angeles, CA 90064-1753

Agency Website: www.nlrb.gov
Telephone: (310)235-7351
Fax: (310)235-7420

February 25, 2015

(b) (6), (b) (7)(C)

Re: *Security, Police and Fire Professionals of
America (SPFPA) International Union
Local 003 (Paragon Systems, Inc.)
Case 31-CB-142872*

Dear (b) (6), (b) (7)(C):

We have carefully considered your charge that Security, Police and Fire Professionals of America (SPFPA) International Local 003 has violated the National Labor Relations Act.

Decision to Dismiss: In view of your lack of cooperation in the investigation of this case, I have determined that further proceedings are not warranted at this time and I am dismissing your charge.

The charge was filed on December 14, 2014. In mid-January, 2015, the Board Agent contacted you to set up an appointment for you to provide sworn testimony in support of your charge. While you initially scheduled an affidavit on January 26, 2015, you notified the Board Agent on January 25 that you would not be able to make your appointment. By e-mail dated January 26, the Board agent requested that you provide an affidavit and evidence in support of your charge no later than February 4, 2015 and informed you of possible dismissal for lack of cooperation if you failed to do so.

On February 2, 2015, the Board Agent again contacted you to schedule an in-person affidavit in support of your charge. You responded that you were unable to attend due to work and family constraints. Instead of providing a sworn affidavit, you sent a summary of your evidence via e-mail.

The Board Agent called and left voicemails for you on February 4 and 6, 2015, to which you did not respond. By e-mail dated February 10, 2015, the Board Agent requested that you contact her no later than February 11, 2015. You did not respond.

If you wish to re-file this charge later when you can cooperate in the investigation, you may do so. However, your attention is directed to Section 10(b) of the Act which provides that a charge must be filed with the NLRB and served on the charged party within six months of the conduct alleged to be unlawful.

Your Right to Appeal: You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals. If you appeal, you may use the enclosed Appeal Form, which is also available at www.nlr.gov. However, you are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect.

Means of Filing: An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. Filing an appeal electronically is preferred but not required. The appeal MAY NOT be filed by fax or email. To file an appeal electronically, go to the Agency's website at www.nlr.gov, click on **E-File Documents**, enter the **NLRB Case Number**, and follow the detailed instructions. To file an appeal by mail or delivery service, address the appeal to the **General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1099 14th Street, N.W., Washington D.C. 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

Appeal Due Date: The appeal is due on **March 11, 2015**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than March 10, 2015. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before March 11, 2015**. The request may be filed electronically through the **E-File Documents** link on our website www.nlr.gov, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after March 11, 2015, **even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

Confidentiality: We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required

Security, Police and Fire Professionals of - 3 -
America (SPFPA) International Union Local
003 (Paragon Systems, Inc.)
Case 31-CB-142872

February 25, 2015

by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,

A handwritten signature in black ink, appearing to read "Mori Rubin". The signature is fluid and cursive, with the first name "Mori" and last name "Rubin" clearly distinguishable.

MORI RUBIN
Regional Director

Enclosure

cc: Michael Hough, c/o International Union,
Security, Security, Police and Fire
Professionals of America (SPFPA)
International Local 003
25510 Kelly Rd
c/o International Union SPFPA
Roseville, MI 48066-4932

Roman Gumul
Paragon Systems, Inc.
13655 Dulles Technology Dr., Ste 100
Herndon, VA 20171

INTERNET
FORM NLRB-608
(2-08)UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST LABOR ORGANIZATION
OR ITS AGENTS

DO NOT WRITE IN THIS SPACE

Case
31-CB-151134Date Filed
4/28/15

INSTRUCTIONS: File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT

a. Name INTERNATIONAL UNION SECURITY, POLICE, FIRE PROFESSIONALS OF AMERICA (SPFFA)	b. Union Representative to contact DWIGHT E. DULEY INTERNATIONAL SECRETARY-TREASURER
c. Address (Street, city, state, and ZIP code) 25510 KELLY ROAD, ROSEVILLE, MICHIGAN 48068	d. Tel. No. 586-772-7250
	e. Cell No. N/A
	f. Fax No. 586-772-9644
	g. e-Mail dwightd@spffa.org

h. The above-named organization(s) or its agents has (have) engaged in and is (are) engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (list subsections) 8(b)(1)(a) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Since (b) (6), (b) (7)(C) 2014 and continuing, the Union has threatened to invoke the discharge provisions of an otherwise lawful union-security clause against (name of the individual filing the charge) in order to collect amounts which cannot lawfully be demanded from them as a condition of their hire or tenure.

Since (b) (6), (b) (7)(C) 2014 and continuing, the Union has violated the Act by violating the terms of the settlement agreement reached in Case 31-CB-121998 et. al.

3. Name of Employer G4S SECURE SOLUTIONS	4a. Tel. No. 851-341-3000	b. Cell No.
	c. Fax No. 951-341-3030	d. e-Mail nakomi.alvarado@usa.g4s.com
5. Location of plant involved (street, city, state and ZIP code) 9150 HERMOSA AVE, RANCHO CUCAMONGA, CA. 91730	6. Employer representative to contact NAKOMI ALVARADO	
7. Type of establishment (factory, mine, wholesaler, etc.) GENERAL MOTORS CO./CAR FACTORY	8. Identify principal product or service AUTO MANUFACTURING	9. Number of workers employed 35

10. Full name of party filing charge (b) (6), (b) (7)(C)	11a. Tel. No. (b) (6), (b) (7)(C)	b. Cell No. (b) (6), (b) (7)(C)
	c. Fax No.	d. e-Mail
11. Address of party filing charge (street, city, state and ZIP code.) (b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)

I declare that (b) (6), (b) (7)(C) is true to the best of my knowledge and belief.		Tel. No. (b) (6), (b) (7)(C)
By (signature) (b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	Cell No.
(Print type name and title or office, if any)		Fax No.
(b) (6), (b) (7)(C)		310-348-8289
Address (b) (6), (b) (7)(C)		e-Mail (b) (6), (b) (7)(C)
(date) 04-28-15		

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

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UNITED STATES OF AMERICA		DO NOT WRITE IN THIS SPACE	
NATIONAL LABOR RELATIONS BOARD		Case	Date filed
FIRST AMENDED CHARGE AGAINST LABOR ORGANIZATION OR ITS AGENTS		31-CB-151134	05/29/15
INSTRUCTIONS: File an original of this charge with the NLRB Regional Director of the region in which the alleged unfair labor practice occurred or is occurring.			
1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT			
a. Name INTERNATIONAL UNION, SECURITY, POLICE AND FIRE PROFESSIONALS OF AMERICA (SPFPA)		b. Union Representative to Contact DWIGHT E. DULEY, INTERNATIONAL SECRETARY/TREASURER	
c. Address 25510 KELLY ROAD ROSEVILLE, MI 48066-4932		d. Tel. No. (586) 772-7250	e. Cell No.
		f. Fax No. (586) 772-9644	g. e-Mail dwight@spfpa.org
h. The above-named labor organization or its agents have engaged in and are engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (1)(A) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.			
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)			
<p>Within the past 6 months, the Union has restrained and coerced the undersigned employee by selectively invoking discharge provisions. of the union-security clause and denying membership benefits in order to collect dues.</p> <p>Within the past 6 months, the Union has failed to process the undersigned employee's grievances for irrelevant, arbitrary, or capricious reasons.</p>			
3. Name of Employer G4S SECURE SOLUTIONS		4a. Tel. No. (951) 341-3000	4b. Cell No.
		4c. Fax No. (951) 341-3030	4d. e-Mail nakomi.alvarado@usa.g4s.com
5. Location of Plant involved (street, city, state, and ZIP code) 9150 Hermosa Ave. Rancho Cucamonga, CA 91730-5304		6. Employer representative to contact NAKOMI ALVARADO	
7. Type of Establishment (factory, mine, wholesaler) Contract Security Services	8. Principal product or service Security Personnel	9. Number of Workers employed 35	
10. Full name of party filing charge (b) (6), (b) (7)(C)		11a. Tel. No. (b) (6), (b) (7)(C)	11b. Cell No. (b) (6), (b) (7)(C)
		11c. Fax No. (310) 348-8299	11d. e-Mail (b) (6), (b) (7)(C)
11. Address of party filing charge (street, city, state, and ZIP code) (b) (6), (b) (7)(C)			
12. DECLARATION			
I declare that I have read the above charge and that the statements therein are true to the best of my knowledge and belief.			
By: (b) (6), (b) (7)(C)		Tel. No. (b) (6), (b) (7)(C)	
(signature on making charge)	(b) (6), (b) (7)(C)	Print/type name and title or office, if any	
Ac (b) (6), (b) (7)(C)		Date: 05-29-15	Fax No. (b) (6), (b) (7)(C)
			e-Mail (b) (6), (b) (7)(C)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

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UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 31
11500 W Olympic Blvd Ste 600
Los Angeles, CA 90064-1753

Agency Website: www.nlr.gov
Telephone: (310)235-7351
Fax: (310)235-7420

July 31, 2015

(b) (6), (b) (7)(C)

Re: International Union Security, Police, Fire
Professionals Of America (SPFPA)
(GS4 Secure Solutions)
Case 31-CB-151134

Dear (b) (6), (b) (7)(C):

We have carefully investigated and considered your charge that INTERNATIONAL UNION SECURITY, POLICE AND FIRE PROFESSIONALS OF AMERICA (SPFPA) has violated the National Labor Relations Act.

Decision to Dismiss: Based on that investigation, I have decided to dismiss your charge because there is insufficient evidence to establish a violation of the Act.

Your Right to Appeal: You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals. If you appeal, you may use the enclosed Appeal Form, which is also available at www.nlr.gov. However, you are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect.

Means of Filing: An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. Filing an appeal electronically is preferred but not required. The appeal MAY NOT be filed by fax or email. To file an appeal electronically, go to the Agency's website at www.nlr.gov, click on **E-File Documents**, enter the **NLRB Case Number**, and follow the detailed instructions. To file an appeal by mail or delivery service, address the appeal to the **General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

Appeal Due Date: The appeal is due on **August 14, 2015**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than **August 13, 2015**. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before August 14, 2015**. The request may be filed electronically through the ***E-File Documents*** link on our website www.nlr.gov, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after **August 14, 2015, even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

Confidentiality: We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,



Mori Rubin
Regional Director

Enclosure

cc: Dwight E. Duley
International Union, Security, Police and
Fire Professionals of America (SPFPA)
25510 Kelly Road
Roseville, MI 48066-4932

Michael J. Akins, Attorney
Gregory, Moore, Jeakle & Brooks, PC
65 Cadillac Square, Suite 3727
Detroit, MI 48226-2893

Nakomi Alvarado
G4S Secure Solutions
9150 Hermosa Ave
Rancho Cucamonga, CA 91730-5304



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
OFFICE OF THE GENERAL COUNSEL
Washington, DC 20570

August 31, 2015

(b) (6), (b) (7)(C)

Re: International Union Security, Police, Fire
Professionals of America (SPFPA)
(GS4 Secure Solutions)
Case 31-CB-151134

Dear (b) (6), (b) (7)(C):

This office has carefully considered the appeal from the Regional Director's refusal to issue complaint. We agree with the Region Director's decision and deny the appeal, as there was insufficient evidence to establish a finding that the International Union (the "Union") breached its duty of fair representation in violation of Section 8(b)(1)(A) of the National Labor Relations Act, as alleged.

To establish a violation of the Act, there must be specific evidence supporting a violation. A party's or person's belief or speculation is not enough. *Kings Terrace Nursing & Health Related Facility*, 229 NLRB 1180 (1977). In this case, you alleged that the Union selectively invoked a discharge provision of the Union security clause and denied membership benefits in order to collect dues. However, no evidence was presented to support your allegations that the Union ever invoked the discharge provision or that you were unlawfully denied membership benefits. Rather, the evidence showed that you were notified in writing that your dues were in arrears, that your dues remained in arrears for a period of three consecutive months and that pursuant to the Union's bylaws, members who are delinquent for a period of three consecutive months are disqualified immediately from holding or continuing to hold any office or position with the International or Local. Also, there was no evidence of animus or of disparate treatment concerning the collection of past dues; therefore, and apart from the question of whether your removal from Union office affected your terms and conditions of employment, there was insufficient evidence to establish that your removal from the position of Local President violated the Act.

You also alleged that the Union failed to process two grievances for irrelevant, arbitrary or capricious reasons. However, the evidence showed that the Union inquired into the status of your grievances and determined that neither had been advanced to Step Three of the grievance process. Under the collective bargaining agreement, grievances are handled by the Local until they reach Step Three, so the International Union did not have the opportunity to process the grievances. Further, even assuming, without deciding, that the International Union's

determination regarding the status of the grievances was a mistake, the evidence still would not establish a violation of the Act. Generally, a union's innocent or ordinary mistake or oversight is not unlawful by itself. To be unlawful, a union must act or not act with a purpose to discriminate or mislead or with a purpose that does not serve a genuine union goal. *OPEIU, Local 2*, 268 NLRB 1353 (1984); *Teamsters Local 692 (Great Western Unifreight System)*, 209 NLRB 446, 448 (1974). Under all the circumstances, there was insufficient evidence to show that the Union acted with an unlawful purpose.

Accordingly, further proceedings are not warranted.

Sincerely,

Richard F. Griffin, Jr.
General Counsel



By:

Mark Arbesfeld, Deputy Director
Office of Appeals

cc: MORI RUBIN
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS
BOARD
11500 W OLYMPIC BLVD STE 600
LOS ANGELES, CA 90064-1753

NAKOMI ALVARADO
G4S SECURE SOLUTIONS
9150 HERMOSA AVE
RANCHO CUCAMONGA, CA 91730-5304

DWIGHT E. DULEY
INTERNATIONAL UNION,
SECURITY, POLICE AND FIRE
PROFESSIONALS OF AMERICA
(SPFPA)
25510 KELLY RD
ROSEVILLE, MI 48066-4932

MICHAEL J. AKINS, ESQ.
GREGORY, MOORE, JEAKLE &
BROOKS, PC
65 CADILLAC SQ STE 3727
DETROIT, MI 48226-2893

kf

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
**CHARGE AGAINST LABOR ORGANIZATION
OR ITS AGENTS**

DO NOT WRITE IN THIS SPACE	
Case 31-CB-234047	Date Filed 1/14/2019

INSTRUCTIONS: File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT			
a. Name Santa Barbara Police Officers Association		b. Union Representative to contact (b) (6), (b) (7)(C) Title: (b) (6), (b) (7)(C)	
c. Address (Street, city, state, and ZIP code) (b) (6), (b) (7)(C)		d. Tel. No. (b) (6), (b) (7)(C)	e. Cell No.
		f. Fax No.	g. e-Mail (b) (6), (b) (7)(C)
h. The above-named organization(s) or its agents has (have) engaged in and is (are) engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (list subsections) (1)(A), (3) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.			
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) --See additional page--			
3. Name of Employer City of Santa Barbara		4a. Tel. No. (805) 564-5326	b. Cell No.
		c. Fax No.	d. e-Mail acalonne@santabarbaraca.gov
5. Location of plant involved (street, city, state and ZIP code) 740 State St Ste 201 CA Santa Barbara 93101-5518		6. Employer representative to contact Ariel Pierre Calonne Title: City Attorney	
7. Type of establishment (factory, mine, wholesaler, etc.)	8. Identify principal product or service	9. Number of workers employed	
10. Full name of party filing charge (b) (6), (b) (7)(C)		11a. Tel. No. (b) (6), (b) (7)(C)	b. Cell No.
		c. Fax No.	d. e-Mail (b) (6), (b) (7)(C)
11. Address of party filing charge (street, city, state and ZIP code.) (b) (6), (b) (7)(C)			
12. DECLARATION I declare that I have read the above charge and that the statements therein are true to the best of my knowledge and belief. By (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (signature of representative or person making charge) (Print/type name and title or office, if any) Title: (b) (6), (b) (7)(C) Address (date) 01/14/2019 10:04:34		Tel. No. (b) (6), (b) (7)(C) Cell No. Fax No. e-Mail (b) (6), (b) (7)(C)	

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

Basis of the Charge

8(b)(1)(A)

Within the previous six months, the above-named labor organization has restrained and coerced employees in the exercise of rights protected by Section 7 of the Act by threatening to retaliate against employees if they did not join or support the union.

Name of the Union Agent/Representative who made the threat	Date the threats were made
multiple	multiple

8(b)(1)(A)

Within the previous six months, the above-named labor organization has restrained and coerced employees in the exercise of rights protected by Section 7 of the Act by refusing to process the Charging Party's grievance for arbitrary or discriminatory reasons or in bad faith.

8(b)(3)

Within the previous six months, the above-named labor organization has failed and refused to bargain in good faith with the employer.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 31
11500 W. Olympic Blvd., Suite 600
Los Angeles, CA 90064-1753

Agency Website: www.nlr.gov
Telephone: (310)235-7351
Fax: (310)235-7420

March 5, 2019

(b) (6), (b) (7)(C)

Re: *Santa Barbara Police Officers Association*
(City of Santa Barbara)
Case 31-CB-234047

Dear (b) (6), (b) (7)(C):

We have carefully investigated and considered your charge that Santa Barbara Police Officers Association ("the Union") has violated the National Labor Relations Act.

Decision to Dismiss: Based on that investigation, I have decided to dismiss your charge for the reasons discussed below.

Your charge alleges that the Union restrained and coerced employees in the exercise of rights protected by Section 7 of the National Labor Relations Act ("the Act") by: (1) threatening to retaliate against employees if they did not join or support the Union; (2) refusing to process your grievance for arbitrary or discriminatory reasons or in bad faith; and (3) failing and refusing to bargain in good faith with the City of Santa Barbara. However, the investigation revealed insufficient evidence to establish a violation of the Act, as alleged. Additionally, I have decided to dismiss your charge because the Board lacks jurisdiction over the Charged Party Union.

Your Right to Appeal: You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

Means of Filing: An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. To file electronically using the Agency's e-filing system, go to our website at www.nlr.gov and:

- 1) Click on E-File Documents;
- 2) Enter the NLRB Case Number; and,
- 3) Follow the detailed instructions.

Electronic filing is preferred, but you also may use the enclosed Appeal Form, which is also available at www.nlr.gov. You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. To file an appeal by mail or delivery service, address the appeal to the **General Counsel** at the **National Labor Relations**

March 5, 2019

Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001. Unless filed electronically, a copy of the appeal should also be sent to me.

The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

Appeal Due Date: The appeal is due on **March 19, 2019**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than March 18, 2019. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before March 19, 2019**. The request may be filed electronically through the *E-File Documents* link on our website www.nlr.gov, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after March 19, 2019, **even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

Confidentiality: We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Brian Gee', with a stylized flourish at the end.

Brian Gee
Acting Regional Director

Enclosure

March 5, 2019

cc: (b) (6), (b) (7)(C)
Santa Barbara Police Officers Association
(b) (6), (b) (7)(C)

Ariel Pierre Calonne, City Attorney
City of Santa Barbara
740 State Street, Suite 201
Santa Barbara, CA 93101-5518



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
OFFICE OF THE GENERAL COUNSEL
Washington, DC 20570

March 22, 2019

(b) (6), (b) (7)(C)

Re: Santa Barbara Police Officers Association
(City of Santa Barbara)
Case 31-CB-234047

Dear (b) (6), (b) (7)(C):

Your appeal from the Acting Regional Director's refusal to issue complaint has been carefully considered. The appeal is denied substantially for the reasons in the Acting Regional Director's letter of March 5, 2019.

The instant charge alleges that the Union unlawfully threatened employees if they did not join the Union, refused to process your grievance and failed to bargain with the Employer. However, after a review of the evidence presented there is insufficient evidence that the Union violated the National Labor Relations Act. Accordingly, your appeal is denied, and further proceedings are unwarranted.

Sincerely,

Peter Barr Robb
General Counsel

A handwritten signature in black ink that reads "Mark E. Arbesfeld".

By:

Mark E. Arbesfeld, Director
Office of Appeals

Santa Barbara Police Officers Association
(City of Santa Barbara)
Case 31-CB-234047

-2

cc: MORI RUBIN
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS
BOARD
11500 W OLYMPIC BLVD STE 600
LOS ANGELES, CA 90064-1753

ARIEL PIERRE CALONNE
CITY ATTORNEY
CITY OF SANTA BARBARA
740 STATE ST STE 201
SANTA BARBARA, CA 93101-5518

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

SANTA BARBARA POLICE OFFICERS
ASSOCIATION

(b) (6), (b) (7)(C)

vrm

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
**CHARGE AGAINST LABOR ORGANIZATION
OR ITS AGENTS**

DO NOT WRITE IN THIS SPACE	
Case 31-CB-234090	Date Filed 1/14/2019

INSTRUCTIONS: File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT			
a. Name Lompoc Police Officers Association		b. Union Representative to contact (b) (6), (b) (7)(C) Title: (b) (6), (b) (7)(C)	
c. Address (Street, city, state, and ZIP code) (b) (6), (b) (7)(C)		d. Tel. No. (b) (6), (b) (7)(C)	e. Cell No.
		f. Fax No.	g. e-Mail (b) (6), (b) (7)(C)
h. The above-named organization(s) or its agents has (have) engaged in and is (are) engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (list subsections) (1)(A), (3), (2) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.			
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) --See additional page--			
3. Name of Employer City of Lompoc		4a. Tel. No.	b. Cell No.
		c. Fax No.	d. e-Mail l_candy@ci.lompoc.ca.us
5. Location of plant involved (street, city, state and ZIP code) 100 Civic Center Plz CA Lompoc 93436-_____		6. Employer representative to contact Laura Candy Title:	
7. Type of establishment (factory, mine, wholesaler, etc.)	8. Identify principal product or service	9. Number of workers employed	
10. Full name of party filing charge (b) (6), (b) (7)(C)		11a. Tel. No. (b) (6), (b) (7)(C)	b. Cell No.
		c. Fax No.	d. e-Mail (b) (6), (b) (7)(C)
11. Address of party filing charge (street, city, state and ZIP code.) (b) (6), (b) (7)(C)			
12. DECLARATION I declare that I have read the above charge and that the statements therein are true to the best of my knowledge and belief. By (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (signature of representative or person making charge) (Print/type name and title or office, if any) Title: (b) (6), (b) (7)(C) Address _____ (date) 01/14/2019 10:58:11		Tel. No. (b) (6), (b) (7)(C) Cell No. Fax No. e-Mail (b) (6), (b) (7)(C)	

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

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Basis of the Charge

8(b)(1)(A)

Within the previous six months, the above-named labor organization has restrained and coerced employees in the exercise of rights protected by Section 7 of the Act by threatening to retaliate against employees if they did not join or support the union.

Name of the Union Agent/Representative who made the threat	Date the threats were made
multiple	multiple

8(b)(1)(A)

Within the previous six months, the above-named labor organization has restrained and coerced employees in the exercise of rights protected by Section 7 of the Act by refusing to process the Charging Party's grievance for arbitrary or discriminatory reasons or in bad faith.

8(b)(1)(A) and 8(b)(2)

Within the previous six months, the above-named labor organization has restrained and coerced employees in the exercise of rights protected by Section 7 of the Act by causing the employer to discriminate against an employee(s) in retaliation for failing to pay union dues.

8(b)(3)

Within the previous six months, the above-named labor organization has failed and refused to bargain in good faith with the employer.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 31
11500 W. Olympic Blvd., Suite 600
Los Angeles, CA 90064-1753

Agency Website: www.nlrb.gov
Telephone: (310)235-7351
Fax: (310)235-7420

March 5, 2019

(b) (6), (b) (7)(C)

Re: *Lompoc Police Officers Association*
(*City of Lompoc*)
Case 31-CB-234090

Dear (b) (6), (b) (7)(C):

We have carefully investigated and considered your charge that Lompoc Police Officers Association ("the Union") has violated the National Labor Relations Act.

Decision to Dismiss: Based on that investigation, I have decided to dismiss your charge for the reasons discussed below.

Your charge alleges that the Union restrained and coerced employees in the exercise of rights protected by Section 7 of the National Labor Relations Act ("the Act") by: (1) threatening to retaliate against employees if they did not join or support the Union; (2) causing the City of Lompoc ("the Employer") to discriminate against an employee(s) in retaliation for failing to pay union dues; (3) refusing to process your grievance for arbitrary or discriminatory reasons or in bad faith; and (4) failing and refusing to bargain in good faith with the Employer. However, the investigation revealed insufficient evidence to establish a violation of the Act, as alleged. Additionally, I have decided to dismiss your charge because the Board lacks jurisdiction over the Charged Party Union.

Your Right to Appeal: You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

Means of Filing: An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. To file electronically using the Agency's e-filing system, go to our website at www.nlrb.gov and:

- 1) Click on E-File Documents;
- 2) Enter the NLRB Case Number; and,
- 3) Follow the detailed instructions.

Electronic filing is preferred, but you also may use the enclosed Appeal Form, which is also available at www.nlrb.gov. You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. To file an appeal by mail or delivery service, address the appeal to the **General Counsel** at the **National Labor Relations**

March 5, 2019

Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001. Unless filed electronically, a copy of the appeal should also be sent to me.

The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

Appeal Due Date: The appeal is due on **March 19, 2019**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than March 18, 2019. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before March 19, 2019**. The request may be filed electronically through the *E-File Documents* link on our website www.nlr.gov, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after March 19, 2019, **even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

Confidentiality: We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,



Brian Gee
Acting Regional Director

Enclosure

Lompoc Police Officers Association
(City of Lompoc)
Case 31-CB-234090

- 3 -

March 5, 2019

cc: (b) (6), (b) (7)(C)
Lompoc Police Officers Association
(b) (6), (b) (7)(C)

Gabriel Garcia, HR Manager
City of Lompoc
100 Civic Center Plaza
Lompoc, CA 93436



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
OFFICE OF THE GENERAL COUNSEL
Washington, DC 20570

March 22, 2019

(b) (6), (b) (7)(C)

Re: Lompoc Police Officers Association (City
of Lompoc)
Case 31-CB-234090

Dear (b) (6), (b) (7)(C):

Your appeal from the Acting Regional Director's refusal to issue complaint has been carefully considered. The appeal is denied substantially for the reasons in the Acting Regional Director's letter of March 5, 2019.

The instant charge alleges that the Union unlawfully threatened employees if they did not join the Union, caused the Employer to discriminate against you, refused to process your grievance and failed to bargain in good faith. However, after a review of the evidence presented there is insufficient evidence that the Union violated the National Labor Relations Act. Accordingly, your appeal is denied, and further proceedings are unwarranted.

Sincerely,

Peter Barr Robb
General Counsel

A handwritten signature in black ink, reading "Mark E. Arbesfeld", is written over a horizontal line.

By:

Mark E. Arbesfeld, Director
Office of Appeals

Lompoc Police Officers Association (City of
Lompoc)
Case 31-CB-234090

-2

cc: MORI RUBIN
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS
BOARD
11500 W OLYMPIC BLVD STE 600
LOS ANGELES, CA 90064-1753

GABRIEL GARCIA, HR MANAGER
CITY OF LOMPOC
100 CIVIC CENTER PLZ
LOMPOC, CA 93436

(b) (6), (b) (7)(C)

LOMPOC POLICE OFFICERS
ASSOCIATION

(b) (6), (b) (7)(C)

vrn

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
**CHARGE AGAINST LABOR ORGANIZATION
OR ITS AGENTS**

DO NOT WRITE IN THIS SPACE	
Case 31-CB-234163	Date Filed 1/14/2019

INSTRUCTIONS: File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT			
a. Name Santa Monica Police Officers Association		b. Union Representative to contact (b) (6), (b) (7)(C) Title: (b) (6), (b) (7)(C)	
c. Address (Street, city, state, and ZIP code) (b) (6), (b) (7)(C)		d. Tel. No. (b) (6), (b) (7)(C)	e. Cell No.
		f. Fax No.	g. e-Mail (b) (6), (b) (7)(C)
h. The above-named organization(s) or its agents has (have) engaged in and is (are) engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (list subsections) (1)(A), (2), (3) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.			
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) --See additional page--			
3. Name of Employer City of Santa Monica		4a. Tel. No. (310) 458-8336	b. Cell No.
		c. Fax No.	d. e-Mail lane.dilg@smgov.net
5. Location of plant involved (street, city, state and ZIP code) 1685 Main St CA Santa Monica 90401-3295		6. Employer representative to contact Helen Lane Dilg Title:	
7. Type of establishment (factory, mine, wholesaler, etc.)	8. Identify principal product or service	9. Number of workers employed	
10. Full name of party filing charge (b) (6), (b) (7)(C)		11a. Tel. No. (b) (6), (b) (7)(C)	b. Cell No.
		c. Fax No.	d. e-Mail (b) (6), (b) (7)(C)
11. Address of party filing charge (street, city, state and ZIP code.) (b) (6), (b) (7)(C)			
12. DECLARATION I declare that I have read the above charge and that the statements therein are true to the best of my knowledge and belief. By (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (signature of representative or person making charge) (Print/type name and title or office, if any) Title: (b) (6), (b) (7)(C) Address (date) 01/14/2019 08:55:42		Tel. No. (b) (6), (b) (7)(C) Cell No. Fax No. e-Mail (b) (6), (b) (7)(C)	

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

Basis of the Charge

8(b)(1)(A)

Within the previous six months, the above-named labor organization has restrained and coerced employees in the exercise of rights protected by Section 7 of the Act by threatening to retaliate against employees if they did not join or support the union.

Name of the Union Agent/Representative who made the threat	Date the threats were made
multiple	multiple

8(b)(1)(A)

Within the previous six months, the above-named labor organization has restrained and coerced employees in the exercise of rights protected by Section 7 of the Act by refusing to process the Charging Party's grievance for arbitrary or discriminatory reasons or in bad faith.

8(b)(1)(A) and 8(b)(2)

Within the previous six months, the above-named labor organization has restrained and coerced employees in the exercise of rights protected by Section 7 of the Act by causing the employer to discriminate against an employee(s) in retaliation for failing to pay union dues.

8(b)(3)

Within the previous six months, the above-named labor organization has failed and refused to bargain in good faith with the employer.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 31
11500 W OLYMPIC BLVD
SUITE 600
Los Angeles, CA 90064-1753

Agency Website: www.nlrb.gov
Telephone: (310)235-7351
Fax: (310)235-7420

March 7, 2019

(b) (6), (b) (7)(C)

Re: Santa Monica Police Officers Association
(City of Santa Monica)
Case 31-CB-234163

Dear (b) (6), (b) (7)(C):

We have carefully investigated and considered your charge that Santa Monica Police Officers Association ("the Union") has violated the National Labor Relations Act.

Decision to Dismiss: Based on that investigation, I have decided to dismiss your charge for the reasons discussed below.

Your charge alleges that the Union restrained and coerced employees in the exercise of rights protected by Section 7 of the National Labor Relations Act ("the Act") by: (1) threatening to retaliate against employees if they did not join or support the Union; (2) causing the City of Santa Monica ("the Employer") to discriminate against an employee(s) in retaliation for failing to pay union dues; (3) refusing to process your grievance for arbitrary or discriminatory reasons or in bad faith; and (4) failing and refusing to bargain in good faith with the Employer. However, the investigation revealed insufficient evidence to establish a violation of the Act, as alleged. Additionally, I have decided to dismiss your charge because the Board lacks jurisdiction over the Charged Party Union.

Your Right to Appeal: You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

Means of Filing: An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. To file electronically using the Agency's e-filing system, go to our website at www.nlrb.gov and:

- 1) Click on E-File Documents;
- 2) Enter the NLRB Case Number; and,
- 3) Follow the detailed instructions.

Electronic filing is preferred, but you also may use the enclosed Appeal Form, which is also available at www.nlrb.gov. You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. To file an appeal by mail or delivery service, address the appeal to the **General Counsel** at the **National Labor Relations**

Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001. Unless filed electronically, a copy of the appeal should also be sent to me.

The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

Appeal Due Date: The appeal is due on **March 21, 2019**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than March 20, 2019. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before March 21, 2019**. The request may be filed electronically through the *E-File Documents* link on our website www.nlr.gov, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after March 21, 2019, **even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

Confidentiality: We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,



MORI RUBIN
Regional Director

Enclosure

Santa Monica Police Officers Association - 3 - March 7, 2019
(City of Santa Monica)
Case 31-CB-234163

cc: (b) (6), (b) (7)(C)
 Santa Monica Police Officers Association

(b) (6), (b) (7)(C)

Helen Lane Dilg
City of Santa Monica
1685 Main St
Santa Monica, CA 90401-3295
lane.dilg@smgov.net



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
OFFICE OF THE GENERAL COUNSEL
Washington, DC 20570

March 22, 2019

(b) (6), (b) (7)(C)

Re: Santa Monica Police Officers Association
(City of Santa Monica)
Case 31-CB-234163

Dear (b) (6), (b) (7)(C):

Your appeal from the Regional Director's refusal to issue complaint has been carefully considered. The appeal is denied substantially for the reasons in the Regional Director's letter of March 7, 2019.

The instant charge alleges that the Union violated the National Labor Relations Act in the operation of a hiring hall, threatening individuals to join the Union, not bargaining with an employer, not honoring resignations of membership or dues revocation, causing an employer to discriminate against an individual for not paying dues and failing to represent you regarding your grievance filing. Upon a review of the evidence presented during the Regional investigation, there is insufficient evidence to establish that the Union violated the Act. Accordingly, your appeal is denied, and further proceedings are unwarranted.

Sincerely,

Peter Barr Robb
General Counsel

A handwritten signature in black ink that reads "Mark E. Arbesfeld".

By:

Mark E. Arbesfeld, Director
Office of Appeals

Santa Monica Police Officers Association
(City of Santa Monica)
Case 31-CB-234163

-2

cc: MORI RUBIN
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS
BOARD
11500 W OLYMPIC BLVD STE 600
LOS ANGELES, CA 90064-1753

HELEN LANE DILG
CITY OF SANTA MONICA
1685 MAIN ST
SANTA MONICA, CA 90401-3295

(b) (6), (b) (7)(C)
SANTA MONICA POLICE OFFICERS
ASSOCIATION

(b) (6), (b) (7)(C)

vrn

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
**CHARGE AGAINST LABOR ORGANIZATION
OR ITS AGENTS**

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
31-CB-234499	1/22/19

INSTRUCTIONS: File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT			
a. Name Beverly Hills Police Officers Association		b. Union Representative to contact (b) (6), (b) (7)(C) Title: (b) (6), (b) (7)(C)	
c. Address (Street, city, state, and ZIP code) (b) (6), (b) (7)(C)		d. Tel. No. (b) (6), (b) (7)(C)	e. Cell No.
		f. Fax No.	g. e-Mail (b) (6), (b) (7)(C)
h. The above-named organization(s) or its agents has (have) engaged in and is (are) engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (list subsections) (1)(A), (2), (3) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.			
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) --See additional page--			
3. Name of Employer Multiple Employers		4a. Tel. No.	b. Cell No.
		c. Fax No.	d. e-Mail tnutall@beverlyhills.org
5. Location of plant involved (street, city, state and ZIP code) Beverly Hills Police Department 464 N Rexford Dr CA Beverly Hills 90210-_____		6. Employer representative to contact Terry Nutall Title:	
7. Type of establishment (factory, mine, wholesaler, etc.)	8. Identify principal product or service	9. Number of workers employed	
10. Full name of party filing charge (b) (6), (b) (7)(C)		11a. Tel. No. (b) (6), (b) (7)(C)	b. Cell No. (b) (6), (b) (7)(C)
		c. Fax No.	d. e-Mail (b) (6), (b) (7)(C)
11. Address of party filing charge (street, city, state and ZIP code.) (b) (6), (b) (7)(C)			
12. DECLARATION I declare that I have read the above charge and that the statements therein are true to the best of my knowledge and belief. By (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (signature of representative or person making charge) (Print/type name and title or office, if any) Title: (b) (6), (b) (7)(C) Address (b) (6), (b) (7)(C) (date) 01/21/2019 09:29:08			
		Tel. No. (b) (6), (b) (7)(C)	
		Cell No. (b) (6), (b) (7)(C)	
		Fax No.	
		e-Mail (b) (6), (b) (7)(C)	

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

Basis of the Charge

8(b)(1)(A)

Within the previous six months, the above-named labor organization has restrained and coerced employees in the exercise of rights protected by Section 7 of the Act by threatening to retaliate against employees if they did not join or support the union.

Name of the Union Agent/Representative who made the threat	Date the threats were made
multiple	multiple

8(b)(1)(A)

Within the previous six months, the above-named labor organization has restrained and coerced employees in the exercise of rights protected by Section 7 of the Act by refusing to process the Charging Party's grievance for arbitrary or discriminatory reasons or in bad faith.

8(b)(1)(A) and 8(b)(2)

Within the previous six months, the above-named labor organization has restrained and coerced employees in the exercise of rights protected by Section 7 of the Act by operating a hiring hall in a manner that was arbitrary, discriminatory or in bad faith.

8(b)(1)(A)

Within the previous six months, the above-named labor organization has restrained and coerced employees in the exercise of rights protected by Section 7 of the Act by issuing unlawful fines and or internal charges.

8(b)(1)(A)

Within the previous six months, the above-named labor organization has restrained and coerced employees in the exercise of rights protected by Section 7 of the Act by refusing to honor a resignation of union membership.

8(b)(1)(A)

Within the previous six months, the above-named labor organization has restrained and coerced employees in the exercise of rights protected by Section 7 of the Act by refusing to honor the revocation of dues check-off.

8(b)(1)(A)

Within the previous six months, the above-named labor organization has restrained and coerced employees in the exercise of rights protected by Section 7 of the Act by requiring nonmembers to pay dues and fees that are not related to representational activities.

8(b)(1)(A) and 8(b)(2)

Within the previous six months, the above-named labor organization has restrained and coerced employees in the exercise of rights protected by Section 7 of the Act by causing the employer to discriminate against an employee(s) in retaliation for failing to pay union dues.

8(b)(3)

Within the previous six months, the above-named labor organization has failed and refused to bargain in good faith with the employer.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 31
11500 W OLYMPIC BLVD - SUITE 600
Los Angeles, CA 90064-1753

Agency Website: www.nlr.gov
Telephone: (310)235-7351
Fax: (310)235-7420

March 08, 2019

(b) (6), (b) (7)(C)

Re: Beverly Hills Police Officers Association
(Multiple Employers)
Case 31-CB-234499

Dear (b) (6), (b) (7)(C):

We have carefully investigated and considered your charge that Beverly Hills Police Officers Association ("the Union") has violated the National Labor Relations Act.

Decision to Dismiss: Based on that investigation, I have decided to dismiss your charge for the reasons discussed below.

Your charge alleges that the Union restrained and coerced employees in the exercise of rights protected by Section 7 of the National Labor Relations Act ("the Act") by:

- (1) threatening to retaliate against employees if they did not join or support the Union;
- (2) refusing to process your grievance for arbitrary or discriminatory reasons or in bad faith;
- (3) operating a hiring hall in a manner that was arbitrary, discriminatory or in bad faith;
- (4) issuing unlawful fines and internal charges;
- (5) refusing to honor a resignation of union membership;
- (6) refusing to honor the revocation of dues check-off;
- (7) requiring nonmembers to pay dues and fees that are not related to representational activities;
- (8) causing the Beverly Hills Police Department ("the Employer") to discriminate against an employee(s) in retaliation for failing to pay union dues; and
- (9) failing and refusing to bargain in good faith with the Employer.

However, the investigation revealed insufficient evidence to establish a violation of the Act, as alleged. Additionally, I have decided to dismiss your charge because the Board lacks jurisdiction over the Charged Party Union.

Your Right to Appeal: You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

Means of Filing: An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. To file electronically using the Agency's e-filing system, go to our website at www.nlr.gov and:

- 1) Click on E-File Documents;
- 2) Enter the NLRB Case Number; and,

3) Follow the detailed instructions.

Electronic filing is preferred, but you also may use the enclosed Appeal Form, which is also available at www.nlr.gov. You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. To file an appeal by mail or delivery service, address the appeal to the **General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

Appeal Due Date: The appeal is due on **March 22, 2019**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than **March 21, 2019**. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before March 22, 2019**. The request may be filed electronically through the ***E-File Documents*** link on our website www.nlr.gov, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after **March 22, 2019**, **even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

Confidentiality: We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required by the FOIA to disclose those documents absent an

Beverly Hills Police Officers Association
(Multiple Employers)
Case 31-CB-234499

- 3 -

March 08, 2019

applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,



MORI RUBIN
Regional Director

Enclosure

cc: (b) (6), (b) (7)(C)
Beverly Hills Police Officers Association
(b) (6), (b) (7)(C)

Terry Nutall
Beverly Hills Police Department
464 North Rexford Drive
Beverly Hills, CA 90210



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
OFFICE OF THE GENERAL COUNSEL
Washington, DC 20570

March 22, 2019

(b) (6), (b) (7)(C)

Re: Beverly Hills Police Officers Association
(Multiple Employers)
Case 31-CB-234499

Dear (b) (6), (b) (7)(C):

Your appeal from the Regional Director's refusal to issue complaint has been carefully considered. The appeal is denied substantially for the reasons in the Regional Director's letter of March 8, 2019.

The instant charge alleges that the Union violated the National Labor Relations Act in the operation of a hiring hall, threatening individuals to join the Union, not bargaining with an employer, not honoring resignations of membership or dues revocation, causing an employer to discriminate against an individual for not paying dues and by failing to represent you regarding your grievance filing. Upon a review of the evidence presented during the Regional investigation, there is insufficient evidence to establish that the Union violated the Act. Accordingly, your appeal is denied, and further proceedings are unwarranted.

Sincerely,

Peter Barr Robb
General Counsel

A handwritten signature in black ink that reads "Mark E. Arbesfeld".

By:

Mark E. Arbesfeld, Director
Office of Appeals

Beverly Hills Police Officers Association
(Multiple Employers)
Case 31-CB-234499

-2

cc: MORI RUBIN
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS
BOARD
11500 W OLYMPIC BLVD STE 600
LOS ANGELES, CA 90064-1753

TERRY NUTALL
MULTIPLE EMPLOYERS
BEVERLY HILLS POLICE DEPT.
464 N REXFORD DR
BEVERLY HILLS, CA 90210

(b) (6), (b) (7)(C)
BEVERLY HILLS POLICE OFFICERS
ASSOCIATION

(b) (6), (b) (7)(C)

kh

UNITED STATES OF AMERICA		DO NOT WRITE IN THIS SPACE	
NATIONAL LABOR RELATIONS BOARD		Case	Date filed
CHARGE AGAINST LABOR ORGANIZATION OR ITS AGENTS		31-CB-264450	8/10/2020
INSTRUCTIONS: File an original of this charge with the NLRB Regional Director of the region in which the alleged unfair labor practice occurred or is occurring.			
1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT			
a. Name Security Police and Fire Professionals of America, Local 6		b. Union Representative to Contact (b) (6), (b) (7)(C)	
c. Address 25510 Kelly Road Roseville, MI 48066		d. Tel. No. (b) (6), (b) (7)(C)	e. Cell No. (b) (6), (b) (7)(C)
		f. Fax No.	g. e Mail
h. The above-named labor organization or its agents have engaged in and are engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (1)(A) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.			
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)			
Within the past six months, the above-named Union, by and through its officers and/or agents, violated Section 8(b)(1)(A) by failing and refusing to file or process grievances, and/or failing to fairly represent the undersigned Charging Party.			
3. Name of Employer Constellis		4a. Tel. No. (703) 673-3044	4b. Cell No.
		4c. Fax No.	4d. e-Mail
5. Location of Plant involved (street, city, state, and ZIP code) Jet Propulsion Laboratory (JPL) 4800 Oak Grove Drive Pasadena, CA 91109		6. Employer representative to contact Kristine Gillespie, HR Rep	
7. Type of Establishment (factory, mine, wholesaler) Security	8. Principal product or service Security	9. Number of Workers employed 75+	
10. Full name of party filing charge (b) (6), (b) (7)(C)	11a. Tel. No. (b) (6), (b) (7)(C)	11b. Cell No. (b) (6), (b) (7)(C)	
	11c. Fax No.	11d. e-Mail	
11. Address of party filing charge (street, city, state, and ZIP code) (b) (6), (b) (7)(C)			
12. DECLARATION			
(b) (6), (b) (7)(C) I certify that the statements therein are true to the best of my knowledge and belief.			
(b) (6), (b) (7)(C) An Individual		Tel No. (b) (6), (b) (7)(C)	
		Cell No. (b) (6), (b) (7)(C)	
I am a () type name and title or office,		Fax No.	
(b) (6), (b) (7)(C)		Date: 7/28	(b) (6), (b) (7)(C)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942 43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 31
11500 W Olympic Blvd., Suite 600
Los Angeles, CA 90064-1753

Agency Website: www.nlrb.gov
Telephone: (310)235-7351
Fax: (310)235-7420

September 16, 2020

Gordon A. Gregory, Attorney
Gregory, Moore, Jeakle & Brooks, P.C.
65 Cadillac Square, Suite 3727
Detroit, MI 48226-2893

Re: Security Police and Fire Professionals of
America, Local 6 (Constellis)
Case 31-CB-264450

Dear Mr. Gregory:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

A handwritten signature in black ink that reads "Mori Rubin". The signature is written in a cursive, flowing style.

Mori Rubin
Regional Director

cc: Milton Grimes, Union Representative
Security Police and Fire Professionals of
America, Local 6
25510 Kelly Road
Roseville, MI 48066

Kristine Gillespie, HR Rep.
Constellis
Jet Propulsion Laboratory
4800 Oak Grove Drive
Pasadena, CA 91109

(b) (6), (b) (7)(C)

A large black rectangular redaction box covering several lines of text at the bottom of the page.

**CHARGE AGAINST LABOR ORGANIZATION
OR ITS AGENTS**Case
32-CB-067450Date Filed
10/24/2011

INSTRUCTIONS: File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT

a. Name SPFPA Security Guard Security Police Union Local 1012	b. Union Representative to contact Don Eagle International President	
c. Address (Street, city, state, and ZIP code) 110 West 5th Street, Hawthorne, NV 89415	d. Tel. No. (775)945-9873	e. Cell No.
	f. Fax No.	g. e-Mail
h. The above-named organization(s) or its agents has (have) engaged in and is (are) engaging in unfair labor practices within the meaning of section subsection(s) (list subsections) (1)(A) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.		

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

During the past six-month period the above-named Labor Organization has breached its duty of fair representation by failure and/or refusal to represent (b) (6), (b) (7)(C) and other employees fairly, including by making misrepresentations regarding their rights under the NLRA and other conduct, due to gross negligence, arbitrary, capricious and/or other unlawful considerations or motives.

3. Name of Employer SOC, Inc.	4a. Tel. No. (775)945-7851	4b. Cell No.
	c. Fax No.	d. e-Mail
5. Location of plant involved (street, city, state and ZIP code) 2 South Main Ave., Hawthorne, NV 89415	6. Employer representative to contact Nancy Rutherford, Manager	
7. Type of establishment (factory, mine, wholesaler, etc.) Army Depot	8. Identify principal product or service Security	9. Number of workers employed
10. Full name of party filing charge (b) (6), (b) (7)(C)	11a. Tel. No. (b) (6), (b) (7)(C)	b. Cell No.
	c. Fax No.	d. e-Mail
11. Address of party filing charge (street, city, state and ZIP code.) (b) (6), (b) (7)(C)		

12. DECLARATION I, (b) (6), (b) (7)(C), declare that the foregoing is true to the best of my knowledge and belief. By (b) (6), (b) (7)(C) an Individual Print/type name and title or office, if any		Tel. No. (b) (6), (b) (7)(C)
		Cell No.
		Fax No. (b) (6), (b) (7)(C)

RECEIVED
NLRB REGION 82
2011 OCT 24 14 139
OAKLAND, CA



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 21
888 S FIGUEROA ST
FL 9
LOS ANGELES, CA 90017-5449

Agency Website: www.nlrb.gov
Telephone: (213)894-5204
Fax: (213)894-2778

November 9, 2011

RANDY LANE, PRESIDENT
SPFPA SECURITY GUARD SECURITY
POLICE UNION LOCAL 1012
PO BOX 2305
HAWTHORNE, NV 89415-2305

Re: SPFPA Security Guard Security Police
Union Local 1012
Case 32-CB-067450

Dear Mr. Lane:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

/s/ *William M. Pate*

William M. Pate
Acting Regional Director

cc:

(b) (6), (b) (7)(C)

NANCY RUTHERFORD, MANAGER
SOC, INC.
2 SOUTH MAINE AVENUE
HAWTHORNE, NV 89415-9404

WMP/cw